positions, and other exhibitions; to the Committee on Ways and Means.

By Mr. WALTER:

H. R. 5327. A bill to continue until the close of June 30, 1950, the suspension of duties and import taxes on metal scrap, and for other purposes; to the Committee on Ways and Means.

By Mr. WELCH of California:

H. R. 5328. A bill authorizing the Secretary of the Army to convey certain lands to the city and county of San Francisco; to the Committee on Armed Services.

By Mr. GREEN:

H. R. 5329. A bill to create a presumption of service connection for World War II veterans in certain cases of tuberculosis disease and neuropsychiatric disease; to the Committee on Veterans' Affairs.

By Mr. KEE:

H. R. 5330. A bill to promote world peace and the general welfare, national interest, and foreign policy of the United States by providing aid to the Republic of Korea; to the Committee on Foreign Affairs.

By Mr. RANKIN (by request):

H. R. 5331. A bill to authorize an equitable adjustment of certain national service life insurance policies; to the Committee on Veterans' Affairs.

By Mr. BOGGS of Louisiana:

H. R. 5332. A bill to amend section 3 of the act of June 18, 1934, relating to the establishment of foreign-trade zones; to the Committee on Ways and Means.

By Mr. DENTON:

H. R. 5333. A bill to provide for the advance planning of public works; to the Committee on Public Works.

By Mr. WHITTEN:

H. J. Res. 281. Joint resolution to authorize the President to issue posthumously to the late John Sidney McCain, vice admiral, United States Navy, a commission as admiral, United States Navy, and for other purposes; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADDONIZIO:

H. R. 5334. A bill for the relief of Mr. and Mrs. Antonio Mennonna; to the Committee on the Judiciary.

By Mr. GARY:

H. R. 5335. A bill for the relief of Dr. Grant R. Elliott; to the Committee on the Judiciary.

By Mr. GREEN:

H. R. 5336. A bill for the relief of Stephen J. Gromczyk; to the Committee on the Judiciary.

By Mr. HERLONG:

H. R. 5337. A bill for the relief of Mrs. Robert P. Horrell; to the Committee on the Judiciary.

By Mr. HERTER:

H. R. 5338. A bill for the relief of Richard J. Casilli; to the Committee on the Judiciary.

By Mr. O'TOOLE:

H. R. 5339. A bill for the relief of Frank J. La Barbara; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H. R. 5340. A bill for the relief of Leslie Geiger, Israel Wagner, Esther Rebeka Wagner, Feiwel Wagner, Emory Jerome, Elizabeth Jerome, Agnes Rosenberg, Tibor Horvath, Agnes Bosckor Horvath, Jenta Rottenberg, Frank Papp, Valera Stritz Papp, Frank Papp, Jr., Ervin Atlas, Magdalene Atlas, Elmer Stern, Elizabeth Wettenstein Stern, Imre Gyongy, Alice Ehrenfield Gyongy, and Adrienne Gyongy; to the Committee on the Judiciary.

By Mr. SCRIVNER:

H. R. 5341. A bill for the relief of Joseph W. Greer; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred, as follows:

1150. By Mr. MASON: Petition of 100 citizens of Sandwich, Ill., urging passage of legislation to prohibit the transportation of alcoholic-beverage advertising in interstate commerce and the broadcasting of alcoholic-beverage advertising over the radio; to the Committee on Interstate and Foreign Commerce.

1151. By Mrs. ST. GEORGE: Petition favoring the prohibition of transportation of alcoholic beverages and the prohibition of the advertising of alcoholic beverages in interstate commerce and over the radio; to the Committee on Interstate and Foreign Commerce.

1152. By the SPEAKER: Petition of J. S. Crider and others, Junction City, Kans., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1153. Also, petition of Chas. A. Brandow and others, North East, Pa., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1154. Also, petition of Sarah E. Davis and others, Philadelphia, Pa., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1155. Also, petition of Margie Walmer and others, Palmyra, Pa., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1156. Also, petition of Elizabeth Dibble and others, Shinglehouse, Pa., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1157. Also, petition of Mrs. Nettie Biggs and others, Fort Scott, Kans., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1158. Also, petition of Albert Lees and others, Blaine, Wash., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1159. Also, petition of D. S. Williams and others, Alvin, Tex., requesting passage of H. R. 2135 and H. R. 2136, known as the Townsend plan; to the Committee on Ways and Means.

1160. Also, petition of Jack Smith and others, Shelton, Wash., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

SENATE

MONDAY, JUNE 27, 1949

(Legislative day of Thursday, June 2, 1949)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O Thou, who dost speak to listening hearts in the holy hush of the dawn and in the brooding quietness of the evening, speak to us now in the heat and burden of noontide's toiling. As we come to the high altar of patriotism in this temple of the people's hope and trust, may it be with clear minds, clean hands, and courageous hearts.

Help us this new day to meet its joys with gratitude, its difficulties with fortitude, its duties with fidelity.

In all deliberations of this day and of this week, keep our motives clean, our speech guarded, our appraisals fair, and our consciences unbetrayed. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. LUCAS, and by unanimous consent, the reading of the Journal of the proceedings of Friday, June 24, 1949, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Hawks, one of his secretaries, and he announced that the President had approved and signed the following acts:

On June 24, 1949:

S. 1023. An act to amend section 9 of the Civil Service Retirement Act of May 29, 1930, as amended, so as to grant credit in accordance with such section for service for which, through inadvertence, no deductions from salary are made;

S. 1127. An act to amend sections 130 and 131 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, relating to the notice to be given upon a petition for probate of a will, and to the probate of such will;

S. 1131. An act to amend sections 260, 267, 309, 315, 348, 350, and 361 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, to provide that estates of decedents being administered within the probate court may be settled at the election of the personal representative of the decedent in that court 6 months after his qualifications as such personal representative;

S. 1132. An act to amend section 137 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, relating to the time within which a caveat may be filed to a will after the will has been probated; and

S. 1135. An act to amend the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, to provide a family allowance and a simplified procedure in the settlement of small estates.

On June 25, 1949:

S. 979. An act to amend section 9 of the act of May 22, 1928, as amended, authorizing and directing a national survey of forest resources; and

S. 1659. An act granting the consent and approval of Congress to an interstate forest fire protection compact.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed a bill (H. R. 5300) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1949, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 750. An act for the relief of Lee F. Bertuccioli;

H. R. 2709. An act for the relief of Sadae Aoki;

H. R. 2989. An act to incorporate the Virgin Islands Corporation, and for other purposes;

H. R. 3082. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenue of such District for the fiscal year ending June 30, 1950, and for other purposes;

H. R. 3333. An act making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1950, and for other purposes;

H. R. 3458. An act for the relief of Celeste Iris Maeda; and

H. R. 3997. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1950, and for other purposes.

CALL OF THE ROLL

Mr. LUCAS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The roll was called, and the following Senators answered to their names:

Aiken	Hill	Morse
Anderson	Hoey	Mundt
Baldwin	Holland	Murray
Bricker	Humphrey	Neely
Butler	Hunt	O'Mahoney
Byrd	Ives	Reed
Cain	Jenner	Robertson
Chapman	Johnson, Colo.	Saltonstall
Chavez	Johnson, Tex.	Schoeppel
Connally	Johnston, S. C.	Smith, Maine
Cordon	Kefauver	Sparkman
Donnell	Kem	Taft
Douglas	Kerr	Taylor
Downey	Knowland	Thomas, Okla.
Ferguson	Lucas	Thomas, Utah
Flanders	McCarran	Thye
Frear	McClellan	Tydings
Fulbright	McFarland	Vandenberg
George	McGrath	Watkins
Gillette	McKellar	Wherry
Graham	McMahon	Williams
Green	Malone	Withers
Gurney	Martin	Young
Hayden	Miller	
Hendrickson	Millikin	

Mr. LUCAS. I announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from West Virginia [Mr. KILGORE], the Senator from Louisiana [Mr. LONG], and the Senator from Georgia [Mr. RUSSELL] are detained on official business in meetings of committees of the Senate.

The Senator from Washington [Mr. MAGNUSON], the Senator from South Carolina [Mr. MAYBANK], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Florida [Mr. PEPPER] are absent on public business.

The Senator from Louisiana [Mr. ELLENDER] is absent by leave of the Senate on official business, having been appointed an adviser to the delegation of the United States of America, to the Second World Health Organization Assembly meeting at Rome, Italy.

The Senator from Maryland [Mr. O'CONOR] is absent on official business, having been appointed a delegate to the International Labor Conference at Geneva, Switzerland.

The Senator from Mississippi [Mr. STENNIS] is absent because of illness.

The Senator from New York [Mr. WAGNER] is necessarily absent.

Mr. SALTONSTALL. I announce that the Senator from Maine [Mr. BREWSTER], the senior Senator from New Hampshire [Mr. BRIDGES], the Senator from Montana [Mr. ECTON], the junior Senator from New Hampshire [Mr. TOBEY], and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from Indiana [Mr. CAPEHART] is absent because of his attendance at the funeral of a member of his family.

The Senator from Iowa [Mr. HICKENLOOPER] is absent on public business.

The Senator from New Jersey [Mr. SMITH] is absent because of illness.

The Senator from North Dakota [Mr. LANGER] and the Senator from Wisconsin [Mr. MCCARTHY] are detained on official business.

The Senator from Massachusetts [Mr. LODGE] is necessarily absent.

By order of the Senate, the following announcement is made:

The members of the Joint Committee on Atomic Energy are in attendance at a meeting of the said committee in connection with an investigation of the affairs of the Atomic Energy Commission.

The PRESIDENT pro tempore. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

Mr. LUCAS. Mr. President, I ask unanimous consent that Members of the Senate be permitted to introduce bills and joint resolutions and present for the RECORD petitions and memorials and other routine matters, without debate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ASSISTANCE TO PEOPLES OF CERTAIN UNDERDEVELOPED AREAS (H. DOC. NO. 240)

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States:

In order to enable the United States, in cooperation with other countries, to assist the peoples of economically underdeveloped areas to raise their standards of living, I recommend the enactment of legislation to authorize an expanded program of technical assistance for such areas, and an experimental program for encouraging the outflow of private investment beneficial to their economic development. These measures are the essential first steps in an undertaking which will call upon private enterprise and voluntary organizations in the United States, as well as the Government, to take part in a constantly growing effort to improve economic conditions in the less developed regions of the world.

The grinding poverty and the lack of economic opportunity for many millions of people in the economically underdeveloped parts of Africa, the Near and Far East, and certain regions of Central and South America constitute one of the greatest challenges of the world today. In spite of their age-old economic and social handicaps, the peoples in these areas have in recent decades been stirred and awakened. The spread of industrial civilization, the growing understanding of modern concepts of government, and the impact of two world wars have changed their lives and their outlook. They are eager to play a greater part in the community of nations.

All these areas have a common problem. They must create a firm economic base for the democratic aspirations of their citizens. Without such an economic base they will be unable to meet the expectations which the modern world has aroused in their peoples. If they are frustrated and disappointed they may turn to false doctrines which hold that the way of progress lies through tyranny.

For the United States the great awakening of these peoples holds tremendous promise. It is not only a promise that new and stronger nations will be associated with us in the cause of human freedom, it is also a promise of new economic strength and growth for ourselves.

With many of the economically underdeveloped areas of the world we have long had ties of trade and commerce. In many instances today we greatly need the products of their labor and their resources. If the productivity and the purchasing power of these countries are expanded our own industry and agriculture will benefit. Our experience shows that the volume of our foreign trade is far greater with highly developed countries than it is with countries having a low standard of living and inadequate industry. To increase the output and the national income of the less-developed regions is to increase our own economic stability.

In addition, the development of these areas is of utmost importance to our efforts to restore the economies of the free European nations. As the economies of the underdeveloped areas expand they will provide needed products for Europe and will offer a better market for European goods. Such expansion is an essential part of the growing system of world trade which is necessary for European recovery.

Furthermore, the development of these areas will strengthen the United Nations and the fabric of world peace. The preamble to the Charter of the United Nations states that the economic and social advancement of all people is an essential bulwark of peace. Under article 56 of the Charter, we have promised to take separate action and to act jointly with other nations "to promote higher standards of living, full employment, and conditions of economic and social progress and development."

For these various reasons, assistance in the development of the economically underdeveloped areas has become one of the major elements of our foreign policy. In my inaugural address, I outlined a program to help the peoples of these areas to attain greater production as a way to prosperity and peace.

The major effort in such a program must be local in character; it must be made by the people of the underdeveloped areas themselves. It is essential, however, to the success of their effort that there be help from abroad. In some cases, the peoples of these areas will be unable to begin their part of this great enterprise without initial aid from other countries.

The aid that is needed falls roughly into two categories. The first is the technical, scientific, and managerial knowledge necessary to economic development. This category includes not only

medical and educational knowledge, and assistance and advice in such basic fields as sanitation, communications, road building, and governmental services, but also, and perhaps most important, assistance in the survey of resources and in planning for long-range economic development.

The second category is production goods—machinery and equipment—and financial assistance in the creation of productive enterprises. The underdeveloped areas need capital for port and harbor development, roads, and communications, irrigation and drainage projects, as well as for public utilities and the whole range of extractive, processing, and manufacturing industries. Much of the capital required can be provided by these areas themselves, in spite of their low standards of living. But much must come from abroad.

The two categories of aid are closely related. Technical assistance is necessary to lay the groundwork for productive investment. Investment, in turn, brings with it technical assistance. In general, however, technical surveys of resources and of the possibilities of economic development must precede substantial capital investment. Furthermore, in many of the areas concerned, technical assistance in improving sanitation, communications, or education is required to create conditions in which capital investment can be fruitful.

This country, in recent years, has conducted relatively modest programs of technical cooperation with other countries. In the field of education, channels of exchange and communication have been opened between our citizens and those of other countries. To some extent, the expert assistance of a number of Federal agencies, such as the Public Health Service and the Department of Agriculture, has been made available to other countries. We have also participated in the activities of the United Nations, its specialized agencies, and other international organizations to disseminate useful techniques among nations.

Through these various activities we have gained considerable experience in rendering technical assistance to other countries. What is needed now is to expand and integrate these activities and to concentrate them particularly on the economic development of underdeveloped areas.

Much of the aid that is needed can be provided most effectively through the United Nations. Shortly after my inaugural address this Government asked the Economic and Social Council of the United Nations to consider what the United Nations and the specialized international agencies could do in this program.

The Secretary General of the United Nations thereupon asked the United Nations secretariat and the secretariats of the specialized international agencies to draw up cooperative plans for technical assistance to underdeveloped areas. As a result, a survey was made of technical projects suitable for these agencies in such fields as industry, labor, agriculture, scientific research with respect to natural resources, and fiscal management. The total cost of the program submitted as a result of this survey was estimated to be about $35,000,000 for the first year. It is expected that the United Nations and the specialized international agencies will shortly adopt programs for carrying out projects of the type included in this survey.

In addition to our participation in this work of the United Nations, much of the technical assistance required can be provided directly by the United States to countries needing it. A careful examination of the existing information concerning the underdeveloped countries shows particular need for technicians and experts with United States training in plant and animal diseases, malaria and typhus control, water supply and sewer systems, metallurgy and mining, and nearly all phases of industry.

It has already been shown that experts in these fields can bring about tremendous improvements. For example, the health of the people of many foreign communities has been greatly improved by the work of United States sanitary engineers in setting up modern water supply systems. The food supply of many areas has been increased as the result of the advice of United States agricultural experts in the control of animal diseases and the improvement of crops. These are only examples of the wide range of benefits resulting from the careful application of modern techniques to local problems. The benefits which a comprehensive program of expert assistance will make possible can only be revealed by studies and surveys undertaken as a part of the program itself.

To inaugurate the program I recommend a first year appropriation of not to exceed $45,000,000. This includes $10,000,000 already requested in the 1950 budget for activities of this character. The sum recommended will cover both our participation in the programs of the international agencies and the assistance to be provided directly by the United States.

In every case, whether the operation is conducted through the United Nations, the other international agencies, or directly by the United States, the country receiving the benefit of the aid will be required to bear a substantial portion of the expense.

The activities necessary to carry out our program of technical aid will be diverse in character and will have to be performed by a number of different Government agencies and private instrumentalities. It will be necessary to utilize not only the resources of international agencies and the United States Government, but also the facilities and the experience of the private business and nonprofit organizations that have long been active in this work.

Since a number of Federal agencies will be involved in the program, I recommend that the administration of the program be vested in the President, with authority to delegate to the Secretary of State and to other Government officers, as may be appropriate. With such administrative flexibility, it will be possible to modify the management of the program as it expands and to meet the practical problems that will arise in its administration in the future.

The second category of outside aid needed by the underdeveloped areas is the provision of capital for the creation of productive enterprises. The International Bank for Reconstruction and Development and the Export-Import Bank have provided some capital for underdeveloped areas, and as the economic growth of these areas progresses, should be expected to provide a great deal more. In addition, private sources of funds must be encouraged to provide a major part of the capital required.

In view of the present troubled condition of the world—the distortion of world trade, the shortage of dollars, and other aftereffects of the war—the problem of substantially increasing the flow of American capital abroad presents serious difficulties. In all probability novel devices will have to be employed if the investment from this country is to reach proportions sufficient to carry out the objectives of our program.

All countries concerned with the program should work together to bring about conditions favorable to the flow of private capital. To this end we are negotiating agreements with other countries to protect the American investor from unwarranted or discriminatory treatment under the laws of the country in which he makes his investment.

In negotiating such treaties we do not, of course, ask privileges for American capital greater than those granted to other investors in underdeveloped countries or greater than we ourselves grant in this country. We believe that American enterprise should not waste local resources, should provide adequate wages and working conditions for local labor, and should bear an equitable share of the burden of local taxes. At the same time, we believe that investors will send their capital abroad on an increasing scale only if they are given assurance against risk of loss through expropriation without compensation, unfair or discriminatory treatment, destruction through war or rebellion, or the inability to convert their earnings into dollars.

Although our investment treaties will be directed at mitigating such risks, they cannot eliminate them entirely. With the best will in the world a foreign country, particularly an underdeveloped country, may not be able to obtain the dollar exchange necessary for the prompt remittance of earnings on dollar capital. Damage or loss resulting from internal and international violence may be beyond the power of our treaty signatories to control.

Many of these conditions of instability in underdeveloped areas which deter foreign investment are themselves a consequence of the lack of economic development which only foreign investment can cure. Therefore, to wait until stable conditions are assured before encouraging the outflow of capital to underdeveloped areas would defer the attainment of our objectives indefinitely. It is necessary to take vigorous action now to break out of this vicious circle.

Since the development of underdeveloped economic areas is of major importance in our foreign policy, it is appropriate to use the resources of the Government to accelerate private efforts toward that end. I recommend, therefore, that the Export-Import Bank be authorized to guarantee United States private capital, invested in productive enterprises abroad which contribute to economic development in underdeveloped areas, against the risks peculiar to those investments.

This guarantee activity will at the outset be largely experimental. Some investments may require only a guarantee against the danger of incontrovertibility, others may need protection against the danger of expropriation and other dangers as well. It is impossible at this time to write a standard guarantee. The bank will, of course, be able to require the payment of premiums for such protection, but there is no way now to determine what premium rates will be most appropriate in the long run. Only experience can provide answers to these questions.

The bank has sufficient resources at the present time to begin the guarantee program and to carry on its lending activities as well without any increase in its authorized funds. If the demand for guaranties should prove large, and lending activities continue on the scale expected, it will be necessary to request the Congress at a later date to increase the authorized funds of the bank.

The enactment of these two legislative proposals, the first pertaining to technical assistance and the second to the encouragement of foreign investment, will constitute a national endorsement of a program of major importance in our efforts for world peace and economic stability. Nevertheless, these measures are only the first steps. We are here embarking on a venture that extends far into the future. We are at the beginning of a rising curve of activity, private, governmental and international, that will continue for many years to come. It is all the more important, therefore, that we start promptly.

In the economically underdeveloped areas of the world today there are new creative energies. We look forward to the time when these countries will be stronger and more independent than they are now, and yet more closely bound to us and to other nations by ties of friendship and commerce, and by kindred ideals. On the other hand, unless we aid the newly awakened spirit in these peoples to find the course of fruitful development, they may fall under the control of those whose philosophy is hostile to human freedom, thereby prolonging the unsettled state of the world and postponing the achievement of permanent peace.

Before the peoples of these areas we hold out the promise of a better future through the democratic way of life. It is vital that we move quickly to bring the meaning of that promise home to them in their daily lives.

HARRY S. TRUMAN.

THE WHITE HOUSE, *June 24, 1949.*

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred, as indicated:

DISCONTINUANCE OF QUARTERLY REPORTS UNDER CONTRACT SETTLEMENT ACT OF 1944

A letter from Acting Secretary of the Treasury, transmitting a draft of proposed legislation to discontinue quarterly reports to the Congress under the Contract Settlement Act of 1944 (with an accompanying paper); to the Committee on the Judiciary.

INTERSTATE MOVEMENT AND SLAUGHTER OF CERTAIN DOMESTIC ANIMALS

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the act of May 29, 1884, as amended, to permit the interstate movement, for immediate slaughter, of domestic animals which have reacted to tests for brucellosis or paratuberculosis; and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

REPORT OF AUDIT OF ACCOUNTS OF JOINT SENATE AND HOUSE RECORDING FACILITY

A letter from the Comptroller General of the United States, transmitting, pursuant to the request of the Clerk of the House of Representatives, an audit report of the accounts of the Joint Senate and House Recording Facility (with an accompanying report); to the Committee on Rules and Administration.

PAYMENT OF DIVIDEND UNDER NATIONAL SERVICE LIFE INSURANCE

A letter from the Comptroller General of the United States, transmitting, for the information of the Senate, a report concerning certain policies and procedures which apparently have been adopted by the Veterans' Administration in connection with the declaration and payment from the National Life Insurance Fund of a dividend to policyholders of National Service Life Insurance (with an accompanying paper); to the Committee on Finance.

REPORT ON BENEFITS PAID UNDER TITLE II, SOCIAL SECURITY ACT

A letter from the Acting Administrator, Federal Security Agency, reporting, pursuant to law, the amount paid as benefits under title II of the Social Security Act; to the Committee on Finance.

AMENDMENT OF PUBLIC HEALTH SERVICE ACT RELATING TO LEAVE OF CERTAIN COMMISSIONED OFFICERS

A letter from the Acting Administrator, Federal Security Agency, transmitting a draft of proposed legislation to amend the Public Health Service Act to authorize annual and sick leave with pay for commissioned officers of the Public Health Service, to authorize the payment of accumulated and accrued annual leave in excess of 60 days, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

EMPLOYMENT OF FOREIGN TEMPORARY AGRICULTURAL WORKERS

A letter from the Acting Administrator, Federal Security Agency, transmitting a draft of proposed legislation to authorize the Federal Security Administrator to coordinate the arrangements for the employment of agricultural workers admitted for temporary agricultural employment from foreign countries in the Western Hemisphere, to assure that the migration of such workers will be limited to the minimum numbers required to meet domestic labor shortages and for other purposes (with an accompanying paper); to the Committee on Agriculture and Forestry.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Armed Services:

"Assembly Joint Resolution 40

"Joint resolution relative to memorializing the President and the Congress of the United States to take whatever steps are necessary to release unneeded Army, Navy, Air Force, and Marine Corps warehouse space in the San Francisco Bay area and Stockton-Tracy area for the storage of the California cotton crop, and to make a survey of the feasibility of using ships which are owned by the Federal Government and anchored in Suisun Bay for such storage purposes

"Whereas California produced 950,000 bales of cotton in 1948 and it is expected that the cotton crop in California will reach the new high of 1,250,000 bales in 1949; and

"Whereas there is at the present time only enough warehouse space in California, suitable for the storage of cotton, to take care of about one-half of the expected crop; and

"Whereas this shortage of storage space will necessitate the shipping of much of the cotton to New Orleans or Houston for storage, at far greater expense to the farmers of California and with a resulting loss of employment to California workers; and

"Whereas storage space which would be suitable for cotton storage exists in the San Francisco Bay area and Stockton-Tracy area in idle or little used Army, Navy, Air Force, and Marine Corps warehouses; and

"Whereas ships which are owned by the Federal Government and are now anchored in Suisun Bay might also possibly be suitable for cotton storage: Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California (jointly).* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take whatever steps are necessary to release unneeded Army, Navy, Air Force, and Marine Corps warehouse space in the San Francisco Bay area and Stockton-Tracy area for the storage of the California cotton crops and to make a survey of the feasibility of using ships which are owned by the Federal Government and are anchored in Suisun Bay for such storage purposes; and be it further

"*Resolved,* That it is the purpose of this resolution that the management and operation of warehouses or storage space released be vested, under lease or sale, in private ownership, consistent with current competitive rates within the district; and be it further

"*Resolved,* That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Secretary of Defense, to the Secretary of Agriculture, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"Assembly Joint Resolution 38

"Joint resolution relative to the Sacramento River flood-control project

"Whereas the Congress of the United States has provided for the construction of flood-control works in the Sacramento River flood-control project; and

"Whereas the northern boundary of the Sacramento River flood-control project is near Chico Landing; and

"Whereas adequate flood protection for areas adjacent to Sacramento River can be

obtained only if works are constructed north to the vicinity of Red Bluff, Calif.; and

"Whereas the lives and property of many residents of California are dependent upon the construction of adequate flood protection along the Sacramento River and its tributaries: Now, therefore, be it

"Resolved, by the Assembly and Senate of the State of California (jointly), That the Legislature of the State of California respectfully memorializes the Congress of the United States to extend the northern boundary of the Sacramento River flood-control project to 1 miles north of Red Bluff, Calif., and to provide sufficient funds for the construction of adequate flood-control works along the Sacramento River and its tributaries; and be it further

"Resolved, That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution adopted by the National Savings and Loan League, of Washington, D. C., favoring the confirmation of the nomination of O. K. LaRoque to be a member of the Home Loan Bank Board; to the Committee on Banking and Currency.

A resolution adopted by the Beth Isaac Adath Israel Sisterhood, of Baltimore, Md., protesting against the enactment of legislation providing a change in the present calendar; to the Committee on Foreign Relations.

Resolution adopted by the McLean County, Ill., Medical Society, and the Omaha Area Hospital Council, of Omaha, Nebr., protesting against the enactment of legislation providing compulsory health insurance; to the Committee on Labor and Public Welfare.

A resolution adopted by the Kentucky Federation of Business and Professional Women's Clubs, of Lexington, Ky., favoring the enactment of legislation providing Federal aid to education; to the Committee on Labor and Public Welfare.

RESOLUTIONS OF CONVENTION OF KEY CLUB INTERNATIONAL, WASHINGTON, D. C.

Mr. HOEY. Mr. President, I present for appropriate reference and ask unanimous consent to have printed in the RECORD, resolutions adopted by the sixth annual convention, Key Club International, at Washington, D. C., March 25–26, 1949, relating to the exemption of Federal admission tax on school entertainments, amusements, and athletic contests, and other legislation pending in Congress.

There being no objection, the resolutions were referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

RESOLUTIONS ADOPTED BY SIXTH ANNUAL CONVENTION, KEY CLUB INTERNATIONAL, WASHINGTON, D. C., MARCH 25–26, 1949

1. Whereas it is desired by this convention to thank the city of Washington, D. C., and the Key Clubs of the surrounding area for their cordial hospitality; be it

Resolved, That Key Club International express our appreciation in formal letters to all parties concerned.

2. Whereas the profits derived from school entertainments, amusements, and athletic contests are generally utilized in furthering the educational achievements of the students; be it

Resolved, That we, the members of Key Club International, ask the Congress of the United States to provide for the exemption of Federal admission tax on school entertainments, amusements, and athletic contests, the proceeds of which are used for educational purposes, and that we take active participation in any action toward this goal.

3. *Be it resolved*, That the delegates assembled at this sixth annual convention of Key Club International go on record in reaffirming its stand as opposed to the principles and ideals of communism and commending the governments of the world who stand in opposition to these principles and uphold the freedom, rights, and privileges of man.

4. *Be it resolved*, That Key Club International go on record as favoring the 70-group Air Force.

5. *Be it resolved*, That Key Club International favors the Hoover plan for reorganization of Government administration.

6. *Be it resolved*, That Key Club International favors the reduction of voting age to 18 years.

7. *Be it resolved*, That Key Club International favors a constitutional amendment whereby the President and Vice President of the United States would be elected by popular vote.

8. *Be it resolved*, That Key Club International work for the promotion of the sales of peacetime savings bonds.

9. *Be it resolved*, That a member of a Key Club from the Dominion of Canada be named to the International Key Club committee on resolutions.

10. *Be it resolved*, That key clubs will continue to strengthen the bonds of friendship between the United States and Canada.

Respectfully submitted.

ALBERT S. HALE, Jr.,
Lieutenant Governor, Carolinas District, Key Club International.

INTERGOVERNMENTAL RELATIONS—RESOLUTION OF GOVERNORS' CONFERENCE

Mr. HENDRICKSON. Mr. President, on June 13, 1949, there was reported by the Committee on Expenditures in the Executive Departments Senate bill 1946, to establish a permanent National Commission on Intergovernmental Relations.

At the call of the calendar on June 21 there was objection to this measure based upon a telegram from the CIO.

In view of this objection I invite the attention of the Senate to a resolution on intergovernmental relations adopted at the Governors' Conference last week at Colorado Springs. I ask unanimous consent that a copy of the resolution be appropriately referred and printed in the body of the RECORD at this point in my remarks.

There being no objection, the resolution was referred to the Committee on Expenditures in the Executive Departments, and ordered to be printed in the RECORD, as follows:

RESOLUTION ON INTERGOVERNMENTAL RELATIONS

On many occasions the Governors' Conference has urged the desirability of a comprehensive appraisal of the relationships among local, State, and Federal Governments. It has called attention to the fact that such relationshuips have developed in a haphazard manner without definite pattern and not in accordance with an over-all policy.

The recent study made by the task force on Federal-State relations of the Commission on Organization of the Executive Branch of the Government agreed with the Governors' Conference that an official study of the whole question should be made. The Commission itself made this proposal one of its major recommendations.

In accordance with these resolutions and recommendations, a bill has been introduced in Congress—S. 1946—which would establish a commission to explore thoroughly intergovernmental relations in the light of present-day conditions. Representatives of the executive committee of the Governors' Conference have testified in favor of such a bill, as have representatives of Federal departments, municipalities, and counties.

The Governors' Conference urges the Congress of the United States to enact this measure.

THE LONGSHOREMEN'S STRIKE IN HAWAII

Mr. BUTLER. I present for appropriate reference and ask unanimous consent to have printed in the body of the RECORD a resolution covering the strike situation in Hawaii, which I have received from the executive committee of the Bar Association of the Territory of Hawaii.

There being no objection, the resolution was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Whereas from a study of Federal and State reports and documents, a reading of the testimony and writings of confessed former Communists, the public statements of prominent national labor leaders, and the personal knowledge of the members of this executive committee concerning the present state of public opinion and morale in the Territory of Hawaii, it appears that—

1. The Communist movement exists in the United States, not as a political party conceived and maintained in the American tradition, but as a subversive group serving the ends of a foreign power;

2. The serious concern which the Government of the United States holds about this matter is demonstrated by the prosecution at this very moment in New York City of national Communist leaders;

3. Communist strategy of political and economic penetration calls for the secret control of certain labor unions, so that at opportune times the critical facilities of the United States may be seized or misdirected;

4. No labor union can be truly free if dominated by Communist leaders, because the interests of the workers are subordinated to the aims of Communist leaders, the ultimate effect of which is that the rights of labor are restricted rather than enlarged;

5. The Communist movement has for some time existed and has been expanding in the Territory of Hawaii, masking its subversive designs with appearances of worthy purpose;

6. Communist leadership is asserted to be strongly entrenched in the ILWU (International Longshoremen's and Warehousemen's Union), whose president, Harry Bridges, was in 1948 listed as a Communist officer in a booklet prepared for the American workingman by the Committee on Un-American Activities of the United States House of Representatives;

7. Many other officers of the ILWU, including some local and San Francisco leaders now in the Territory of Hawaii directing strike operations and public relations, are reputed to be militant Communists;

8. Leaders of the ILWU have refused to file non-Communist affidavits with the National Labor Relations Board, thus causing the workers they represent to be denied advantages of Federal laws which exist for the protection and betterment of labor;

9. The present longshore strike in Hawaii was and is, on labor's side of the dispute, solely the action and responsibility of the ILWU and of no other union;

10. There are now present in the Territory of Hawaii serious signs of economic dislocation and social unrest, caused by the immediate and the anticipated destructive effect of the present strike upon persons in all walks of life, upon all businesses, and upon striking and nonstriking workers, and upon the Territorial government and its finances;

11. A growing public awareness of the foregoing matters has caused many persons in Hawaii to believe that the longshore strike may be a Communist stratagem, disguised as an ordinary labor dispute but actually fostered for an ulterior purpose detrimental to the welfare of the United States;

12. The public interest of the United States and of the Territory of Hawaii, and the dignity and rights of workers who may be misled and their union leaders who may be wrongfully accused, require that, (A) if this strike is simply a legitimate labor dispute, the public be so informed in order that a proper and confident public perspective of the situation may be achieved and the ILWU leadership may be cleared of any suspicion, or (B) if subversive leaders have created or are maintaining this strike, they be exposed in order that the ILWU general membership and the public may take all necessary corrective action; and

13. Information necessary to resolve the questions just stated is not available to the public, and it is therefore necessary that the United States Government exercise its lawful powers to find and publish the pertinent facts: Now, therefore, be it

Resolved by the executive committee of the Bar Association of Hawaii, in special meeting for this purpose called, That the Attorney General of the United States, as the appropriate representative fo the President, be requested to cause the proper officers or agencies of the Department of Justice immediately to make such investigation as may appear warranted in the premises, and that the Atttorney General cause to be published his conclusions found from such investigation; and be it further

Resolved, That the Vice President of the United States, as Presiding Officer of the Senate, and the Speaker of the House of Representatives be requested to cause immediately to be made by their Houses or the committees thereof such investigation as may appear warranted in the premises, and that they cause to be published the conclusions found from such investigation; and be it further

Resolved, That copies of this resolution be sent to the President, the Vice President, the Speaker, the Attorney General, the Secretary of the Interior, the Secretary of Labor, the Secretary of National Defense, the Governor of Hawaii, the Delegate to Congress from Hawaii, and to such other persons and organizations as the president of the Bar Association may determine.

I certify that the foregoing resolution was adopted by the executive committee of the Bar Association of Hawaii on the 20th day of May A. D. 1949, by an unanimous vote of the committee with the exception of C. Nils Tavares who disqualified himself due to his membership on the Federal Loyalty Board.

Dated June 16, 1949.

J. DUNCAN HUNT,
Secretary of Bar Association of Hawaii.

Mr. BUTLER. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an editorial entitled "Where Tojo Failed, Bridges Succeeds," from the Los Angeles Times, reprinted in the Honolulu Advertiser of June 22, 1949. The editorial originally appeared in the Los Angeles Times. It deals with the strike which has prevailed in the Hawaiian Islands since April 30. It is reported that there are about 2,000 members in the union engaged in the strike, and only 500 of those members are citizens of the United States.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHERE TOJO FAILED, BRIDGES SUCCEEDS

(From the Los Angeles Times)

For a while after Pearl Harbor, the greatest concern of every American was the safety of Hawaii. Anxiety did not cease even with the battle of Midway. Hawaii was not only the key base of the Pacific; it was a community of imperiled Americans—almost the forty-ninth State.

Things have changed. After Pearl Harbor the Japanese never raided the islands and could not blockade them. But Hawaii is blockaded now. The CIO blockade is the most successful operation of its kind since the German U-boats very nearly starved out Britain, just before we got into World War I.

"Mainland" Americans seem to be strangely uninformed, or perhaps merely uninterested, in the Hawaiian blockade.

President Truman is excepted from this indictment, for he said that he is very actively interested. But he also said, at the same time, that he has no power to deal with the Hawaiian strike, which is imposed by the International Longshoremen's and Warehousemen's Union; Harry Bridges, president.

This is even stranger than the general indifference to Hawaii's plight. For President Truman also said, in the course of the debate over a new national labor law, that the injunctive power in the Taft-Hartley law is unnecessary because the President has an inherent power to deal with emergencies affecting the welfare of the American people. Well, then, injunctive power or no injunctive power, why doesn't Mr. Truman exercise his mandate? The Hawaiians are Americans in the same lawful standing as the citizens of Mr. Truman's State of Missouri, and their welfare should be equally Mr. Truman's concern.

As Commander in Chief of our armed forces Mr. Truman could authorize a multi-million-dollar air operation to feed our former enemies in Berlin, blockaded by the Russians. But, he says in effect, his powers fall short of being able to maintain normal supply to beleaguered Americans.

The strategy of the ILWU high command is simple. The strikers will not unload ships at Honolulu and the longshoremen of coast ports will not load ships destined for the islands. In consequence the Association of American Railroads issued an embargo against virtually all Hawaii-destined freight because the much-needed cars would not be unloaded at the coast docks.

The Hawaiian Islands cannot support their population without mainland supply. They are less able to produce food than England. They have a purely export economy, growing and processing and shipping cane sugar and pineapples. Cut the sea lanes and they die. No money crops go out, no food comes in. Few can work and everybody except the Army and Navy personnel face the threat of starvation.

Starvation of the islanders was in prospect when the ILWU graciously agreed to unload enough shipments of food and other "emergency" materials to sustain life.

The act of mercy was a taunt. If declared to anybody who might be listening that the life, liberty, and happiness of more than half a million people—as many as there are in Arizona and Nevada together—depended on the line of a Kremlin-bound, CIO affiliated union.

For there is no reason to doubt any more that the ILWU leadership follows the Communist line. Even CIO President Philip Murray has acknowledged the fact by his actions. Louis Budenz, backslid editor of the Daily Worker, said last August at a Honolulu hearing that Communists considered Hawaii the prime target for infiltration because of its role in the defense system. He added that the Communists probably had not been as successful as they would have liked, but 10 months later he might amend that observation.

Economic disorder and the threat of hunger are not the only penalties the ILWU has imposed on Hawaii. The union's command of the Islands has very likely postponed the day when they will become the forty-ninth State. Last year the House passed a bill to admit Hawaii, and it died in the Senate. But the halfway success encouraged Hawaiians to think that they would do better this year. Yet the event is on the contrary, and it is not difficult, as the Cleveland Plain Dealer points out, to ascertain the reason:

"The fact is the Congress does not relish the idea of admitting to the Union a new State which might conceivably send to Washington two Senators and a Representative who either would be members of the Communist Party or dominated by the Communist-controlled CIO Longshoremen's and Warehousemen's Union."

That is not free speculation: 2 years ago the ILWU almost won control of the Territorial Legislature.

This is probably the first time since Jefferson's day that an alien hand has exercised an effective influence in an important area of American affairs.

But Mr. Truman no doubt would call this hysteria.

CHINESE POLICY

Mr. KNOWLAND. Mr. President, I ask unanimous consent to have printed in the body of the record a letter addressed to the President of the United States, signed by 21 Senators, relative to our Chinese policy.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 24, 1949.

HON. HARRY TRUMAN,
The White House,
Washington, D. C.

DEAR MR. PRESIDENT: The undersigned Members of the Senate have been greatly concerned by reports that this Government might be contemplating the recognition of the Communist regime in China.

Any such policy would appear to be inconsistent with the position this Government took in Greece and Turkey when the Truman doctrine was enunciated and with the substantial support we have given through the Marshall plan to the nations of western Europe and with the North Atlantic Pact against aggression in western Europe.

Communist control of China means the ultimate negation of the open door trade policy; loss of freedom and independence in a real sense for the people of China and a major victory for international communism with a corresponding threat to the national security of the United States.

We believe that the time has come for the adoption of an affirmative friendly policy toward the constitutional government of China and the forces opposing communism in that country.

We further believe that this Government should make it clear that no recognition of the Communist forces in China is presently contemplated and that we shall make clear

that a free, independent and non-Communist China will continue to have the friendship and assistance of the United States of America.

Respectfully yours,

WILLIAM F. KNOWLAND, PAT MCCARRAN, STYLES BRIDGES, WARREN MAGNUSON, OWEN BREWSTER, CLYDE REED, SHERIDAN DOWNEY, KARL MUNDT, HOMER FERGUSON, WAYNE MORSE, MILTON YOUNG, EDWARD THYE, SPESSARD HOLLAND, GUY CORDON, HARRY CAIN, ROBERT A. TAFT, RICHARD B. RUSSELL, JOHN BRICKER, RAYMOND BALDWIN, ED MARTIN, HUGH BUTLER.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOEY, from the Committee on Agriculture and Forestry:

H. R. 3825. A bill to amend the Federal Crop Insurance Act; with amendments (Rept. No. 592).

From the Committee on Expenditures in the Executive Departments:

H. R. 3549. A bill to permit the Comptroller General to pay claims chargeable against lapsed appropriations and to provide for the return of unexpended balances of such appropriations to the surplus fund; with amendments (Rept. No. 569).

By Mr. THYE, from the Committee on Agriculture and Forestry:

H. R. 3717. A bill to repeal the act of July 24, 1946, relating to the Swan Island Animal Quarantine Station; without amendment (Rept. No. 570).

By Mr. MCCARRAN, from the Committee on the Judiciary:

S. 507. A bill for the relief of Mrs. Lorraine Malone; without amendment (Rept. No. 574);

S. 563. A bill for the relief of the P. S. Cook Co.; with amendments (Rept. No. 589);

S. 1165. A bill to provide relief for the sheep-raising industry by making special quota immigration visas available to certain alien sheep herders; with amendments (Rept. No. 590);

S. 1394. A bill for the relief of Monroe Kelly, rear admiral, United States Navy, retired; without amendment (Rept. No. 575);

S. 1924. A bill for the relief of the estate of William Walter See; without amendment (Rept. No. 576);

H. R. 52. A bill for the relief of Nevada County, Calif.; without amendment (Rept. No. 577);

H. R. 599. A bill for the relief of Victor R. Browning & Co., Inc.; with amendments (Rept. No. 591);

H. R. 703. A bill conferring jurisdiction upon the United States District Court for the Eastern District of South Carolina to hear, determine, and render judgment upon the claim of Mrs. Oteein Foxworth; without amendment (Rept. No. 578);

H. R. 1009. A bill for the relief of the Central Bank, a California corporation, as assignee of John C. Williams, an individual operating under the fictitious name and trade style of Central Machine Works, of Oakland, Calif.; without amendment (Rept. No. 579);

H. R. 3017. A bill for the relief of Ramon G. Hunter and Arthur Nancett; without amendment (Rept. No. 580);

H. R. 3313. A bill for the relief of the estate of the late Manuel Graulau Velez; without amendment (Rept. No. 581);

H. R. 3320. A bill for the relief of Ignacio Colon Cruz; without amendment (Rept. No. 582);

H. R. 3321. A bill for the relief of Gloria Esther Diaz, Lydia Velez, and Gladys Prieto; without amendment (Rept. No. 583);

H. R. 3323. A bill for the relief of the estate of Rafael Rebollo; without amendment (Rept. No. 584);

H. R. 3720. A bill for the relief of Erwin F. Earl; without amendment (Rept. No. 585);

H. R. 4373. A bill for the relief of Ray G. Schneyer and Dorothy J. Schneyer; without amendment (Rept. No. 586);

H. R. 4559. A bill for the relief of Louis Brown; without amendment (Rept. No. 587); and

H. R. 4807. A bill for the relief of Robert A. Atlas; without amendment (Rept. No. 588).

By Mr. KILGORE, from the Committee on the Judiciary:

H. R. 596. A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon a certain claim of John E. Parker, his heirs, administrators, or assigns, against the United States; without amendment (Rept. No. 573).

By Mr. GRAHAM, from the Committe on the Judiciary:

H. R. 578. A bill for the relief of Carlton C. Grant and others; with amendments (Rept. No. 572).

By Mr. KERR, from the Committee on Interior and Insular Affairs:

S. 1361. A bill to authorize and direct the Secretary of the Interior to issue to John Grayeagle a patent in fee to certain land; without amendment (Rept. No. 571).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CAIN:

S. 2144. A bill authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes; to the Committee on Public Works.

By Mr. TYDINGS:

S. 2145. A bill to amend the act of July 24, 1941 (55 Stat. 605), as amended, so as to provide an equitable adjustment of retired pay for certain naval officers, and for other purposes; to the Committee on Armed Services.

By Mr. MORSE:

S. 2146. A bill to provide certain additional rehabilitation assistance for veterans paralyzed from service-connected brain injury in order to remove an existing inequality; to the Committee on Labor and Public Welfare.

By Mr. DOWNEY:

S. 2147. A bill for the relief of Ivon Robert Heldenbergh; and

S. 2148. A bill for the relief of Guy N. Southwick; to the Committee on the Judiciary.

By Mr. BUTLER:

S. 2149. A bill to amend the National Service Life Insurance Act of 1940 so as to permit the guardian of an incompetent insured individual to change the beneficiary of insurance issued thereunder; and

S. 2150. A bill for the relief of Kenneth Harley Olson; to the Committee on Finance.

By Mr. THYE (for himself and Mr. HILL):

S. 2151. A bill to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment to the Boy Scouts of America for use at the Second National Jamboree of the Boy Scouts; to the Committee on Armed Services.

(Mr. FLANDERS introduced Senate joint resolution 112, prohibiting the use of the atomic bomb as a weapon of warfare except in case of attack by a nation using same, which was referred to the Joint Committee on Atomic Energy, and appears under a separate heading.)

CONTROL OF ATOMIC BOMB

Mr. FLANDERS. Mr. President, I have a short joint resolution which I introduce for appropriate reference. The resolution is as follows:

Whereas the atomic bomb, like biological warfare and wholesale poison, is not properly a military device, directed against the armed forces of the enemy, but is rather a means for the mass murder of civilians; and

Whereas the United Nations has not yet been able to come to any satisfactory agreement as to the control of this powerful force, so that its application may assuredly be confined to peaceful purposes only; and

Whereas the United States would never become involved in military action except to defend itself or other free nations from attack: Therefore be it

Resolved, etc., That the armed services of our Nation will not employ the atomic bomb as a weapon of warfare; but be it further

Resolved, That until satisfactory means of control are agreed upon and put into complete effect through the United Nations, the armed services of this Nation are directed to prepare themselves and to hold themselves in readiness to retaliate immediately and with overwhelming force, at the direction of the President, against any nation which initiates the military use of atomic energy.

The joint resolution (S. J. Res. 112) prohibiting the use of the atomic bomb as a weapon of warfare except in case of attack by a nation using same, introduced by Mr. FLANDERS, was read twice by its title, and referred to the Joint Committee on Atomic Energy.

MONUMENT TO MEMORY OF MOHANDAS K. GANDHI

Mr. HUMPHREY. Mr. President, I am happy to submit for appropriate reference a resolution to erect a monument to the memory of Mohandas K. Gandhi. It is my feeling, that the erection of such a monument will clearly enhance the present friendly relations between India and the United States and help achieve that understanding and mutual respect between the East and the West upon which peace and the stability of the world depend.

This expression of deep love and respect which Americans hold for that great and revered saint of our day will, I know, release a tremendous flow of good will from the people of India to the people of the United States, and establish a firm foundation for mutual good will and understanding.

Mr. President, the resolution is a companion to House Resolution 13, submitted in the House of Representatives by Hon. EMANUEL CELLER, of New York.

The resolution (S. Res. 128) was referred to the Committee on Rules and Administration, as follows:

Whereas India's greatest leader, Mohandas K. Gandhi, has met the martyr's death; and

Whereas the beloved Gandhi throughout his life had brought to the people of India and peoples everywhere the meaning of a selfless devotion to peace, and with it the gift of his own unbounded spiritual wealth; and

Whereas Mohandas Gandhi's uncompromisable strength led India to the independence for which it had sorely struggled; and

Whereas the impact of his personality upon history is undeniable; and

Whereas in consideration of the cordial relations existing between the people of the United States and the people of India, and in the hope that a monument to his memory in the United States may further those cordial cultural and spiritual relations between

these two countries, and in the further hope that such a monument will awaken and keep alive in people everywhere the sense of their individual dignity and independence as well as an abhorrence for civil, religious, and communal strife anywhere; Now, therefore, be it

Resolved, That authority is hereby granted to the India League of America, or any other organization which may be organized for this purpose, to erect within 5 years from the date of the approval of this act a monument testifying to the wisdom and leadership of Mohandas K. Gandhi, a philosopher and statesman, in the city of Washington on such grounds as may be designated by the Fine Arts Commission, subject to the approval of the Joint Committee on the Library. The model of the monument so to be erected shall be first approved by the said Commission and by the Joint Committee on the Library, the same to be presented to the people of the United States without cost to the Government of the United States.

HOUSE BILL REFERRED

The bill (H. R. 5300) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1949, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PRINTING OF PUBLICATION ENTITLED "ESTABLISHMENT OF DIPLOMATIC RELATIONS WITH UNION OF SOVIET SOCIALIST REPUBLICS" (S. DOC. NO. 90)

Mr. McGRATH. Mr. President, I hold in my hand a Government publication printed in 1933. It is entitled "Establishment of Diplomatic Relations with the Union of Soviet Socialist Republics." The publication contains much of the correspondence between the late President Roosevelt and Maxim Litvinoff. The State Department informs me that the supply of copies of this publication is exhausted, and that it is not the intention of the Department to print further copies of it.

Inasmuch as I think the correspondence contained in the publication is of great interest to the country, and I am sure to our colleagues, since it indicates the spirit in which negotiations were undertaken at that time for a rapprochement in our attitude and our relations with Soviet Russia, I ask unanimous consent that it be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF HEARING ON NOMINATION OF CARROLL O. SWITZER, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE, SOUTHERN DISTRICT OF IOWA

Mr. McCARRAN. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Tuesday, July 5, 1949, at 10:30 a. m., in room 424, Senate Office Building, upon the nomination of Carroll O. Switzer, of Iowa, to be United States district judge for the southern district of Iowa, vice Hon. Charles A. Dewey, retired. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr. McCARRAN], chairman, the Senator from West Virginia [Mr. KILGORE], the Senator from Mississippi [Mr. EASTLAND], the Senator from Wisconsin [Mr. WILEY], and the Senator from North Dakota [Mr. LANGER].

SHOULD WE TELL HOW MANY ATOM BOMBS?—ARTICLE BY SENATOR McMAHON

[Mr. FULBRIGHT asked and obtained leave to have printed in the RECORD an article entitled "Should We Tell How Many Atom Bombs?" written by Senator McMAHON, and published in the New York Times magazine of June 19, 1949, which appears in the Appendix.]

STATEMENTS OF GUIDO JACOBACCI AND PERGUIDO MARZOLI BEFORE THE ROTARY CLUB OF LITTLE ROCK, ARK.

[Mr. FULBRIGHT asked and obtained leave to have printed in the RECORD statements by Guido Jacobacci and Perguido Marzoli, before the Rotary Club of Little Rock, Ark., which appear in the Appendix.]

RESOURCES BOARD STYMIED—ARTICLE BY FRANCIS P. DOUGLAS

[Mr. CAIN asked and obtained leave to have printed in the RECORD an article entitled "Resources Board Stymied," written by Francis P. Douglas, and published in the Washington Star of June 23, 1949, which appears in the Appendix.]

PREPAID HEALTH CARE—LETTER FROM LABOR AND MANAGEMENT OF THE BRIDGEPORT BRASS CO.

[Mr. BALDWIN asked and obtained leave to have printed in the RECORD a letter on prepaid health care addressed by labor and management in the Bridgeport Brass Co., Bridgeport, Conn., to "Our fellow workers in Connecticut industry," which appears in the Appendix.]

ADDRESS BY A. F. WHITNEY BEFORE MIDWEST DEMOCRATIC CONFERENCE OF STATES

[Mr. HUMPHREY asked and obtained leave to have printed in the RECORD an address delivered by Mr. A. F. Whitney, president of the Brotherhood of Railroad Trainmen, before the Midwest Democratic Conference of States, at Des Moines, Iowa, June 13–14, 1949, which appears in the Appendix.]

WHY DEMOCRACY WORKS—ESSAY BY LUELLA SILVERTHORN

[Mr. HUMPHREY asked and obtained leave to have printed in the RECORD a prize-winning essay entitled "Why Democracy Works," written by Miss Luella Silverthorn, of Bemidji, Minn., which appears in the Appendix.]

THE PICK-SLOAN PLAN FOR MISSOURI BASIN IMPROVEMENT—ARTICLE BY RAYMOND A. McCONNELL, JR.

[Mr. REED asked and obtained leave to have printed in the RECORD an article on the Pick-Sloan Plan for Missouri Basin Improvement, written by Raymond A. McConnell, Jr., editor of the Nebraska State Journal, which appears in the Appendix.]

LEGISLATIVE PROGRAM

Mr. LUCAS. Mr. President, I desire to make a brief announcement for the benefit of Members of the Senate with respect to the program this afternoon.

It is obviously impossible for me to say just how much debate there will be on the labor bill. It is my understanding that the Senator from Ohio [Mr. TAFT] desires to make some remarks on that bill; and the Senator from Florida [Mr. HOLLAND] may also make some remarks on it this afternoon. However, if we do not consume all of the afternoon in discussing the labor bill, the Senator from Nevada [Mr. McCARRAN] would like to place before the Senate, Senate bill 52, a bill to authorize the appointment of additional circuit and district judges.

The Senator from Maryland [Mr. TYDINGS] would like to call up Senate bill 1267, a bill to promote the national defense by authorizing a unitary plan for construction of transonic and supersonic wind tunnel facilities and the establishment of an air engineering development center.

I make that announcement now so that we shall have something to do this afternoon in the event the debate on the labor bill does not consume the entire afternoon.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. WHERRY. I thank the distinguished majority leader for the announcement. In the event the bills to which he has referred are not brought up by unanimous consent, will a motion be made for their consideration?

Mr. LUCAS. A motion will be made.

Mr. WHERRY. It may be that those bills will not require much discussion. Does the Senator from Illinois have in mind any other piece of legislation which might be brought up?

Mr. LUCAS. There is another bill in which the Senator from Maryland is very much interested. I am not sure what the number is. I believe it was reported unanimously by the Committee on Armed Services. If we run out of work, we can take up the pay bill.

Mr. WHERRY. I suggest to the distinguished majority leader that in the event those two bills are disposed of, there is also on the calendar a resolution which was reported by a vote of 6 to 2, the Holland-Wherry resolution, which provides for a special legislative committee. We have discussed it many times. I doubt if there would be very much debate upon it. It might be possible to reach a vote on it soon. I suggest to the majority leader the possibility of consideration of that resolution.

Mr. LUCAS. I shall be very glad to give it serious consideration.

ADDITIONAL CIRCUIT AND DISTRICT JUDGES

Mr. McCARRAN. Mr. President, I ask unanimous consent that the unfinished business may be laid aside temporarily and that the Senate proceed to the consideration of Calendar 539, Senate bill 52.

The PRESIDING OFFICER (Mr. McGRATH in the chair). The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 52) to authorize the appointment of additional circuit and district judges.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Mr. SALTONSTALL. Mr. President, reserving the right to object, is it the purpose of the chairman of the Judiciary Committee to request a quorum call, so that all Senators may be advised

that he is seeking to have this bill considered at this time?

Mr. McCARRAN. I shall ask for a quorum call as soon as I can get the bill before the Senate.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. LUCAS. It has been only a few moments since we had a quorum call, after which I made the announcement that the Senator from Nevada would probably bring up this bill. If the Senator from Nevada desires a quorum call, we can have one, but the Senate has been notified that at some time today this measure would be taken up.

Mr. SALTONSTALL. May I ask the chairman of the Judiciary Committee whether he knows which of the Senators particularly wish to be present when this bill is considered?

Mr. McCARRAN. I do not, although I have discussed the matter with two or three Senators who expressed a desire to be present; but those Senators who have so expressed themselves I think are now on the floor. The Senator from Ohio [Mr. BRICKER] is one. The Senator from Texas [Mr. CONNALLY] is another, and the Senator from Kansas is another. Those are all who come to my mind now.

Mr. SALTONSTALL. I will withdraw any objection, and in view of the statements which have been made, I shall not suggest the absence of a quorum.

Mr. THOMAS of Utah. Mr. President, reserving the right to object, may I ask, before the question is put, whether the Senator from Nevada will ask for a quorum call when he has finished, so that those who are ready to return to the unfinished business may be given notice.

Mr. McCARRAN. I shall be glad to do that.

The PRESIDING OFFICER (Mr. McMAHON in the chair). Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 52) to authorize the appointment of additional circuit and district judges, which had been reported from the Committee on the Judiciary with amendments.

Mr. McGRATH. Mr. President, I send to the desk an amendment to the pending bill which I propose to call up at the conclusion of the committee amendments.

The PRESIDING OFFICER. The committee amendments will be stated.

The amendments of the Committee on the Judiciary were, on page 1, line 3, after the word "That", to strike out "(a)"; in line 4, after the word "Senate", to strike out "two" and insert "three"; in line 5, after the word "circuit", to insert "one additional circuit judge for the third circuit"; in line 9, after the word "section", to strike out "44a" and insert "44 (a)"; on page 2, line 2, after "District of Columbia", to strike out "Eight" and insert "Nine"; after line 3 to insert:

Third	Seven;

After line 8, to strike out:

(b) The President shall appoint, by and with the advice and consent of the Senate, one additional circuit judge for the third circuit.

On page 2, line 14, after the name "California", to strike out "one additional district judge" and insert "two additional district judges"; in line 16, after the name "California", to insert "three additional district judges for the District of Columbia"; in line 25, after the name "Texas", to strike out the comma and "and the existing judgeship for the eastern and western districts of Missouri created by the act entitled "An act to provide for the appointment of an additional district judge for the eastern and western districts of Missouri," approved December 24, 1942 (56 Stat. 1083), shall be a permanent judgeship."; on page 3, line 12, after the name "Southern", to strike out "9" and insert "10"; after line 13, to insert:

District of Columbia	15

After line 22, to strike out lines 23 to 25, inclusive, and line 1, on page 4, as follows:

* * * * *

Missouri

* * * * *

Eastern and Western	2

On page 4, after line 16, to strike out lines 17 to 19, inclusive, as follows:

Provided, That the official residence of one district judge shall be in the southern one-half of the district.

The amendments were agreed to.

The next amendment was on page 4, after line 20, to insert:

(b) (1) Title 28, United States Code, section 134, is amended by adding at the end thereof the following new subsections:

"(c) Of the district judges for the District of Columbia, (1) at least three shall have been actively engaged in the private practice of law and shall not have been regularly employed in the executive branch of the Government of the United States, during a period of at least three consecutive years immediately prior to their respective appointments; and (2) at least two shall have been actively engaged in the private practice of law in the District of Columbia for a period of at least five consecutive years immediately prior to their respective appointments. Any period or periods of active service in the armed forces of the United States shall not be considered as regular employment in the executive branch of the Government, and any such period or periods shall be disregarded in determining whether the years of practice required by this subsection are consecutive or immediately precede the appointment.

"(d) One of the district judges for the district of Kansas shall reside at Wichita; and in the event such judges disagree as to which of them shall reside at Wichita, the matter shall be determined by the Judicial Council of the Tenth Circuit.

"(e) One of the district judges for the southern district of California shall reside in San Diego; and in the event such judges disagree as to which of them shall reside at San Diego, the matter shall be determined by the Judicial Council of the Ninth Circuit.

"(f) One of the district judges for the southern district of Texas shall reside in the southern half of such district."

(2) The judge first appointed for the district of Kansas under the authority contained in subsection (a) shall reside at Wichita.

(3) One of the two judges first appointed for the southern district of California under the authority contained in subsection (a) shall reside at San Diego.

(4) Each of the three additional district judges appointed for the District of Columbia under the authority contained in subsection (a) shall have been actively engaged in the private practice of law, and shall not have been regularly employed in the executive branch of the Government of the United States during a period of at least three consecutive years immediately prior to his appointment; and in the case of at least two of such judges such practice shall have been in the District of Columbia for a period of at least five consecutive years immediately prior to their respective appointments. Any period or periods of active service in the armed forces of the United States shall not be considered as regular employment in the executive branch of the Government, and any such period or periods shall be disregarded in determining whether the years of practice required by this subsection are consecutive or immediately precede the appointment.

Mr. McGRATH. Mr. President, the amendment I have sent to the desk deals with the subject of the particular committee amendment beginning in line 24, page 4. I should like to inquire what the parliamentary situation will be if the Senate considers and adopts the amendment now. Will my amendment be in order later or should my amendment be offered at this time, so the subject can be considered all at one time?

The PRESIDING OFFICER. The amendment offered by the Senator from Rhode Island will be considered along with the committee amendment.

Mr. McCARRAN. Mr. President, I had hoped we might go through with the bill for committee amendments, and then return to the amendment which the Senator is offering. There may be other amendments which will come along, so that I should like very much to complete the committee amendments. I may say that if in adopting the committee amendments there be anything which interferes with the consideration of an amendment which is to be offered by any Senator, then I should be very glad to see to it that the opportunity is offered for the consideration of such amendments.

Mr. McGRATH. With that understanding, I shall be glad to withhold the offering of my amendment, until after the committee amendments have been acted upon.

The PRESIDING OFFICER. The Chair understands that the Senator from Rhode Island will have an opportunity to have his amendment considered after the committee amendments have been considered.

Mr. McCARRAN. That is correct. I wish to say, Mr. President, that I shall have one or two amendments to offer to the bill myself, after all the committee amendments have been considered.

Mr. McGRATH. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, on page 4, beginning on line 20.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the remaining committee amendments.

The remaining committee amendments were: On page 7, at the beginning

of line 3, to strike out "(b)" and insert "(c)"; in line 4, after the name "Senate", to strike out "two additional district judges" and insert "one additional district judge"; in line 6, after the word "first", to strike out "two vacancies" and insert "vacancy", and after line 8, to strike out:

(c) The act entitled "An act to provide for the appointment of an additional district judge for the eastern and western districts of Missouri," approved December 24, 1942 (56 Stat. 1083), is hereby repealed and the incumbent of the judgeship created by said act shall henceforth hold his position under title 28, United States Code, section 133, as amended by this act.

The amendments were agreed to.

The PRESIDING OFFICER. This completes the committee amendments.

Mr. McCARRAN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. McCARRAN. I draw the attention of the Senators from Texas to the proposed amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 7, after line 8, it is proposed to insert the following new section:

(d) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the southern district of Texas: *Provided*, That the first vacancy occurring in the office of district judge in said district shall not be filled.

Mr. McCARRAN. Mr. President, I move the adoption of the amendment.

Mr. McGRATH. Mr. President, will the Senator please explain his amendment?

Mr. McCARRAN. Mr. President, this amendment is offered in order to conform to conditions which exist in the southern district of Texas. I think the Senators from Texas could probably best explain the amendment.

Mr. McGRATH. Mr. President, I was preoccupied at the moment when the amendment was offered. If it has to do with the Texas judgeship, I do not care for an explanation.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. JOHNSON of Texas. I will say it was unanimously reported by the House subcommittee, by the full committee, and unanimously passed by the House, and is recommended by the Attorney General.

Mr. WATKINS. Mr. President, I should like to have an explanation of the amendment.

Mr. McCARRAN. I shall ask the Senator from Texas to explain it, if he will.

Mr. JOHNSON of Texas. Mr. President, there is a tremendous case load in the southern district of Texas. The district is the largest in area in the entire United States, and has probably the largest case load. Presently there are two judges sitting. As a result of the Texas City disaster the Government has been sued for more than $250,000,000 by reason of the explosions which occurred.

The House subcommittee felt that the case load in that district justified an additional judge, but it also felt, in view of the fact that one of the judges presently serving is almost 76 years of age, that upon his retirement, resignation, or death, that vacancy should not be filled.

As an indication of the case load in that district, as compared with the case load in other sections, the Department of Justice sent to the House subcommittee the following figures:

In the 84 districts of the country there were filed per judge 205 civil cases during the fiscal year 1948. In the particular district which we are discussing there were filed per judge 556 cases.

The figures relating to criminal cases filed per judge are even more staggering. While the average number of criminal cases filed per judge throughout the 84 districts of the country during 1948 was 167 per judge, the average number filed in the southern district was 1,049.

Of especial importance in considering the enormous burden of business facing the judges in that district is the Texas City disaster in which, on April 16 and 17, 1947, more than 500 people were killed, and the major portion of the city was destroyed by fire. As a result of that catastrophe 277 suits have been filed against the Government under the Federal Tort Claims Act by more than 3,000 plaintiffs, demanding damages in excess of $250,000,000.

The amendment suggested by the Senator from Nevada was not considered by the Senate committee, although the House committee unanimously adopted it, and the House unanimously agreed to it. The Senator from Nevada, in substituting the Senate bill, has suggested this amendment in order to make it the same as the House bill. So far as I know, it is opposed by no one.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. WATKINS. It means a temporary increase in the number of judges, but not a permanent increase. Is that correct?

Mr. JOHNSON of Texas. That is correct.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. DONNELL. May I inquire whether the judgeship proposed is in addition to one additional district judge for the southern district of Texas referred to in section 2 (a) of the bill?

Mr. McCARRAN. It is.

Mr. DONNELL. I should like to ask whether the regular annual meeting of the Judicial Conference held in September 1948 recommended any additional judge other than the one provided for in section 2 (a) of the bill?

Mr. McCARRAN. My understanding is that it recommended one and has not yet recommended a second one; but the case load and the history justify the amendment, in my judgment.

Mr. DONNELL. Mr. President, will the Senator yield for a further inquiry?

Mr. McCARRAN. I yield.

Mr. DONNELL. At page 67 of the report of the Committee on the Judiciary, with reference to this bill, there appear certain excerpts from the report of the proceedings of a special meeting of the Judicial Conference on March 24 and 25, 1949, in Washington, D. C. I ask the Senator whether this meeting of the Judicial Conference, the special meeting, considered the subject of a second additional district judge for the southern district of Texas?

Mr. McCARRAN. So far as we are advised, they did not consider it. At least, the committee has no record of their having considered it.

Let me say to the Senator, if I may explain the program with reference to this bill, the House has already passed the bill, and it now rests in the Judiciary Committee. If, as, and when this bill is passed by the Senate, I shall move to strike the language in the House bill and insert the language of the Senate bill, so that it may be taken to conference. In the House bill the amendment which I have just offered is, in substance, included.

Mr. DONNELL. Was the matter of the second district judge considered by the Judiciary Committee of the Senate? I do not recall its having been mentioned in the meeting.

Mr. McCARRAN. No; it was not.

Mr. DONNELL. May I inquire of the Senator whether he knows why the second additional judge was not mentioned in the Judiciary Committee meeting when we considered the bill and acted upon it?

Mr. McCARRAN. It might be that it was the fault of the chairman of the Judiciary Committee. I cannot say much else, because it was in the House bill which came to the Senate and has been in the Judiciary Committee, as it is now. This item is still in the House bill. The bill will go to conference to iron out certain small differences; but this matter was overlooked in the Senate Judiciary Committee.

Mr. DONNELL. I would say to the Senator that I was not imputing any fault to the chairman at all, but the Senator from Nevada will recall that in the course of the consideration by the Senate Committee on the Judiciary of all the various judgeships, a special effort was made to secure and have before us the recommendations of the Judicial Conference of the United States.

Mr. McCARRAN. That is correct.

Mr. DONNELL. And every effort was made to make certain what the recommendations were. I am somewhat at a loss this morning to know just what should be done, in view of the fact that last September and again in March of this year the Judicial Conference, having before it, or at least having available, the facts mentioned by the Senator from Texas, still the Judicial Conference recommended only one additional district judge. I am wondering if any light can be thrown on the question as to why the Judicial Conference of the United States did not, in either one of the meetings, in September or March, recommend two district judges instead of one.

Mr. McCARRAN. I am unable to answer specifically the question of the Senator from Missouri. Let me say that in the preparation of bills of this kind it very frequently comes to the attention of

the committee or to members of the committee that the facts warrant a change, even though perhaps some other agency has passed upon the item, as, for instance, in this case, the Judicial Conference apparently did not pass upon this item, but it has come very emphatically to the consideration of the chairman of the Judiciary Committee and very emphatically to the House committee on the same subject, and the House committee adopted the language, in substance, and I thought, and I now think, it should go into this bill. That is as good an explanation as I can give the Senator.

Mr. DONNELL. Mr. President, will the Senator yield for one other question?

Mr. McCARRAN. I yield.

Mr. DONNELL. Does not the Senator think the Judicial Conference, in its meeting of September last, had before it specifically for consideration the needs of the southern district of Texas, as follows from the fact that in the report of the proceedings of the September conference the recommendation with respect to Texas was as follows:

Southern Texas: The creation of one additional judgeship, and providing that the official residence of the judge shall be in the southern half of the district.

Does not the Senator think that before acting affirmatively upon the proposal to appoint another judge, we should have before us the views of the Judicial Conference of the United States?

Mr. McCARRAN. I wish I had the views of the Judicial Conference, but I would not be bound by them, and the Senator from Missouri would not be bound by them. If the facts warranted a change, we could, and it is our function, to make the change. I respectfully suggest that, from the facts stated by the Senator from Texas, it seems there is no answer except to give the relief the people should have.

Mr. DONNELL. Very respectfully, and with the statement that I am sure the chairman of the committee is giving his very best and conscientious judgment, in view of the fact that we have endeavored to secure the views of the Judicial Conference, and that there has been no opportunity of the Committee on the Judiciary to hear the other side, if there be one, on this question as to the need of a second judge, and bearing further in mind the fact that the Judicial Conference did refer to one and recommended one and did not recommend two, personally I shall feel constrained to vote against the amendment suggested by the Senator. I want him to understand that it is done in the very best of spirit, and without any criticism whatever of the Senator from Nevada.

Mr. CONNALLY rose.

Mr. McCARRAN. Before I yield to the Senator from Texas, let me say that this amendment provides for a temporary judge. With all due respect to the gentleman who has served as judge for a long time, and served well, he is advanced in years, 76 or 77 years old, and has a case load on his shoulders which warrants the activity of a man much younger. Justice delayed is justice denied, and in order that the business may be disposed of, we thought it best, and I now think it best to insert the amendment I have offered and have this temporary judge provided for.

Mr. CONNALLY. Mr. President, let me say to the Senator from Missouri that this amendment does not provide for the addition of two permanent judges, it is for the addition of only one, which the Judicial Conference recommended. The immediate congestion in the district by reason of the war suits, and by reason of a very great number of criminal cases in that district in comparison with the other districts of the country, has greatly impaired the opportunity to dispatch judicial business. The present judge's age is advanced, and he has the privilege of retirement, and the bill provides that whenever there is a vacancy in one of the other judgeships, the vacancy shall not be filled. So the proposal really is for only one additional judge, and for a very short period. I hope the Senator from Missouri will not object, and will let us make this provision.

Mr. DONNELL. Mr. President, I appreciate very much the opinion of the senior Senator from Texas, and he may be quite right, I am not at all questioning the validity of his ultimate judgment——

Mr. CONNALLY. He is quite right.

Mr. DONNELL. I have no doubt that the Senator feels that he is, and he may well be. However, in view of what the Judicial Conference of the United States recommended, and I assume that they had before them a statement of the facts in Texas, when they voted last September, and at that time provided for only one new judgeship, and gave no recommendation with respect to a temporary judgeship, and in view of the further fact that the Judicial Conference met again March 24 and 25 this year, and still did not provide any recommendation on the subject matter, either for or against a second judgeship, I feel constrained, very respectfully, to vote against the amendment. I certainly do not at all question the good faith or the judgment of the distinguished Senators from Texas, or the Senator from Nevada.

Mr. CONNALLY. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I yield to the Senator from Texas.

Mr. CONNALLY. Let me say to the Senator from Missouri that the Senator from Texas has high respect for the Judicial Conference and for its recommendations, but the Senator from Texas does not believe we should abdicate our legislative authority and go to the Judicial Conference with a band around our hands and say, "Please, Mr. Judicial Conference, let us do something here. Give us your will and your consent."

The House committee investigated all the data on this subject, the great pressure of litigation, the great number of criminal and civil cases, the fact that this is a most congested district, and the Judicial Conference admits that when it recommends one judge. The district covers the largest area, territorially, in the United States. The provision is for only one judge, for a short temporary period, which cannot be long, and that judge, in the regular course, will go off the bench. But the provision of an extra judge will tend to relieve the emergency which now exists, because of the tremendous pressure on the judges.

The Senator from Missouri is a distinguished lawyer, he has served many years at the bar, and he knows that in judicial proceedings delay after delay is an enemy of justice, and an obstruction to the legal processes. Since this is a matter of such great importance, and in view of the fact that the House committee went into all the facts and unanimously recommended the bill, I hope the Senator will not object.

Mr. DONNELL. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I yield to the Senator from Missouri.

Mr. DONNELL. The Senator from Texas has expressed his unwillingness to abdicate his duties in favor of the Judicial Conference. I thoroughly concur in his statement. As the Senator from Nevada will recall, a recommendation was made by the Judicial Conference with respect to my own State, the State of Missouri, and I objected to it, and upon my objection in the Committee on the Judiciary the provisions of the pending bill relating to the State of Missouri have been stricken out.

My point is not that I desire that the Senate shall abdicate its functions in favor of the Judicial Conference of the United States. My point is merely that, the Judicial Conference having gone into this matter of the needs of Texas, I take it, by reason of the fact that it recommended one judge for Texas and not a temporary judge in addition, when an amendment comes up without any consideration by the Committee on the Judiciary I am not willing to vote for the amendment until I have at least an opportunity to hear the other side, if there be one. There may not be another side to it, and I mean no disrespect to the Senators, nor do I mean any attempt on my part or the part of anyone else to abdicate our functions in favor of the Judicial Conference. I believe their advice is well worth considering, however, and I do not mean to vote in favor of a judgeship, whether it is temporary or permanent, which comes before the Senate without the Judiciary Committee ever having heard of it, and without opportunity on our part to learn what the Judicial Conference has to say about it.

It may well be that mine will be the only vote against this proposal: I do not know what the outcome will be; but I personally feel that I am not in position to vote for the amendment, for the reasons indicated.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada.

The amendment was agreed to.

Mr. McCARRAN. Mr. President, I send an amendment to the desk and ask to have it stated.

The LEGISLATIVE CLERK. On page 5, line 15, after the period, it is proposed to insert the following:

Service as a judge of the municipal court for the District of Columbia or of the municipal court of appeals for the District of Columbia, shall be disregarded in determining whether the years of practice required by

this subsection are consecutive or immediately precede the appointment.

And on page 7, line 2, after the period, it is proposed to make the same insertion.

The PRESIDING OFFICER. For the information of the Senator from Nevada, the Chair will announce that the committee amendment to which this amendment is proposed has been agreed to and it will be first necessary to reconsider the vote by which the amendment was agreed to.

Mr. McCARRAN. I ask unanimous consent that the vote by which the amendment of the committee was agreed to be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, the vote is reconsidered, and the question is on agreeing to the amendment to the amendment offered by the Senator from Nevada.

Mr. McGRATH. Mr. President, I should like to ask the Senator from Nevada to explain the extent to which his pending amendment changes the committee amendment which was formerly agreed to. As I understand, it does make a change in the committee amendment.

Mr. McCARRAN. The committee amendment, on pages 4 and 5 of the bill, is as follows:

(c) Of the district judges for the District of Columbia, (1) at least three shall have been actively engaged in the private practice of law, and shall not have been regularly employed in the executive branch of the Government of the United States, during a period of at least three consecutive years immediately prior to their respective appointments; and (2) at least two shall have been actively engaged in the private practice of law in the District of Columbia for a period of at least five consecutive years immediately prior to their respective appointments. Any period or periods of active service in the armed forces of the United States shall not be considered as regular employment in the executive branch of the Government, and any such period or periods shall be disregarded in determining whether the years of practice required by this subsection are consecutive or immediately precede the appointment.

Then, Mr. President, in order to make certain that the amendment would not affect the judges of the municipal court or the court of appeals, I have offered the amendment to the committee amendment, as follows:

On page 5, line 15, after the period, insert the following:

"Service as a judge of the Municipal Court for the District of Columbia or of the Municipal Court of Appeals for the District of Columbia, shall be disregarded in determining whether the years of practice required by this subsection are consecutive or immediately precede the appointment."

The object of the amendment offered by the committee in the first instance is that members of the bar who actually practice law before the bar in the District of Columbia shall be regarded as eligible to appointment to judgeships within the District of Columbia. Perhaps that is putting the situation a little too broadly. Let me draw the attention of the Senate to this situation: Any citizen of the United States who is aggrieved by a department of the Government, and who seeks to redress his wrongs or to secure his rights, must bring his action in a court of the District of Columbia. Keep that one thought in mind.

Let us suppose that one of the brilliant young attorneys, who has been serving in the Department of Justice for a number of years, is by reason of gaining the favor or good will of the Department or of the Attorney General appointed to the judgeship; and let us suppose that next week John Q. Citizen, who has a grievance against either the Department of Justice or some other department of the Government has his case brought into the court presided over by this gentleman who has just been appointed from the Department of Justice as judge to sit and preside over the case. It may be that human nature is not human nature all the time, and it may be that gratitude for promotion will subside and men will forget it. But if the new judge, however correct he may be in his decision, should decide in favor of the department, at least one citizen of the United States will go away disgruntled, believing that the decision was rendered against him because of the fact that the judge was prejudiced in favor of the department.

Let me say that the complacency of the citizens of this country and their faith in the courts of the land is the last anchor of democracy in America. If we do not have in the District of Columbia a bar which is outstanding, if there were not members of the bar in the District of Columbia as capable of being judges as there are in any State in the Union, then perhaps it would not be necessary to put any precautions of that kind into the bill. But we find time after time appointments coming to the Senate from the President of young men, capable young men no doubt, fine men in many respects, who are appointed from the Department of Justice, from the Department of the Interior, from the Department of Agriculture, or from some other department.

A more recent one was from the FBI, if you please. Undoubtedly Judge Tamm will make in time a splendid judge. But he came from the FBI without having had a single day of practice in court, without ever having appeared in court so far as we know. He is a splendid gentleman, a man of fine attributes and fine character and fine training in the law, but with not a single day of practice in court. He was confirmed after about a year or a year and a half of wrangling over his nomination. He was not confirmed by the Eightieth Congress. He was finally confirmed by the Eighty-first Congress.

Now let us suppose that a matter involving the FBI should come before Judge Tamm. He might be absolutely correct in his decision if he were to decide in favor of the department whence he came. Perhaps all the law and all the facts would be in favor of the Department and would sustain him in his decision. But a citizen who brought action against the department would go away disgruntled and say, "I was 'gypped' out of my rights, because the judge who decided my case had just been appointed to the judgeship from the department against which I had a grievance."

Mr. President, the practice of appointing judges from departments is an erroneous one in our system. Such appointments should not be made and should not be encouraged.

I want to be frank and say that the amendment is the result of the thoughts of the chairman of the Committee on the Judiciary. Those thoughts have come to me after 16 or 17 years of observation of what has gone on in connection with the courts of the District of Columbia while I served as chairman of the Committee on the District of Columbia, while I served as chairman of the Committee on the Judiciary for the first time, and again while I have served as chairman of the Committee on the Judiciary the second time. Time and time again I have seen appointments made from departments rather than from the members of the bar who have practiced before the courts of the District.

I saw an appointment which came to us from the White House, of a man to be a judge of the District of Columbia court who had been a solicitor in the Interior Department under Mr. Ickes for many years. In that case the whole bar, with but rare exceptions, opposed the confirmation of the nomination.

The charges made against him were indeed awful to my way of thinking. Such charges having been made, it was necessary to hold up confirmation of the appointment month after month, rather than to confirm him. Had he been confirmed I think a grave injustice would have been done to the judiciary of the country. That has always been my thought in connection with such appointments, and always will be my thought in connection with them. I do not want such a thing to happen again.

Referring now to the committee amendment. If a man serves in one of the departments of Government, and severs his connection with that department and goes into the active practice of the law, and his severance of connection with the department continues for a period of 3 years, then there can be no objection to his appointment to be a judge in the District of Columbia because at least his tie to the department will have been sufficiently severed. That is the object, that is the reason, that is the aim, that is the whole thought behind the amendment. If the amendment is wrong, then the thoughts of some of us who have had occasion to observe conditions in the District of Columbia are wrong. If the amendment is right, no harm or injury can result to anyone. I say again that there are in the District of Columbia members of the bar who are practicing attorneys here who are capable and worthy of serving on any bench in the world. Why is it necessary to go into departments and pick out this man or that man and put him on the District bench when after he goes on the District bench there may come before him for decision a case against the very department of which he was a member, with respect to which he must either decide against the department in which he served for years or decide in favor of it. We have tried to safeguard to some extent the bench of the District of Columbia.

The Senator from Rhode Island [Mr. McGRATH] does not believe in this philosophy. His amendment would strike out all this language. I submit the question to the Senate, on the basis of the thoughts which I have expressed.

Mr. McGRATH. Mr. President, will the Senator yield for a question?

Mr. McCARRAN. I yield.

Mr. McGRATH. Does the Senator's amendment to the committee amendment exempt the judge of the juvenile court?

Mr. McCARRAN. No. The amendment which I have offered exempts judges of the municipal court and judges of the municipal court of appeals.

Mr. McGRATH. Under the terms of the Senator's amendment the President could promote a member of the municipal court or the municipal court of appeals to the district court.

Mr. McCARRAN. Yes.

Mr. McGRATH. Or he could promote a member of the district court to the circuit court of appeals; but he could not promote the judge of the juvenile court to the municipal court.

Mr. McCARRAN. No.

Mr. McGRATH. Does not the Senator think it would be only fair to include the judge of the juvenile court?

Mr. McCARRAN. I have no objection to it. That probably is an oversight on my part.

Mr. McGRATH. If the Senator will modify his amendment to include the judge of the juvenile court, I think it will make a substantial contribution to the bill.

Mr. McCARRAN. I have no objection.

The PRESIDING OFFICER. The amendment is modified accordingly.

Mr. McGRATH. When I call up my own amendment I shall address myself to the subject which the Senator from Nevada has been speaking, that is, the general philosophy behind the entire amendment. In the meantime, with the modification which has been made, I have no objection to the adopting of the amendment offered by the Senator from Nevada.

Mr. DONNELL. Mr. President, will the Senator from Nevada yield for a question?

Mr. McCARRAN. I yield.

Mr. DONNELL. A few moments ago, just before the Senator from Rhode Island asked the Senator from Nevada to yield, I understood that the Senator from Nevada was addressing himself primarily to the committee amendment, and was giving his reasons for that amendment.

Mr. McCARRAN. That is correct.

Mr. DONNELL. Am I correct in understanding that the amendment which the Senator from Nevada has offered to the committee amendment is simply to provide as follows:

> Service as a judge of the Municipal Court of the District of Columbia or of the Municipal Court of Appeals of the District of Columbia shall be disregarded in determining whether the years of practice required by this subsection are consecutive or immediately precede the appointment.

In other words, as I understand the committee amendment, in which the Judiciary Committee unanimously concurred, it provides that it is necessary that the two judges mentioned in subdivision (2)—

> Shall have been actively engaged in the private practice of law in the District of Columbia for a period of at least five consecutive years immediately prior to their respective appointments.

And that the three previously mentioned—

> Shall not have been regularly employed in the executive branch of the Government of the United States, during a period of at least three consecutive years immediately prior to their respective appointments.

Am I correct in understanding that the purpose of the amendment offered by the Senator from Nevada is this: Suppose that a man has practiced law for 2 years, we will say. Then there follows a 2-year period of service on the municipal court or on the municipal court of appeals, and then he serves three or four more years after that. Service on either of those two courts is to be disregarded entirely in determining whether the aggregate of the other years is consecutive or not. Is that the purpose of the amendment?

Mr. McCARRAN. Yes.

Mr. DONNELL. I thank the Senator.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. HOLLAND. The distinguished chairman of the committee will recall that about 2 years ago, at the time of the retirement of the presiding district judge of the northern district of Florida, through the provision of the act under which we had a roving judge for the northern and southern districts, the roving judge succeeded to the judgeship in the northern district, and it became impossible for a successor to the roving judge to be appointed. It is my understanding and hope that this legislation will permit the reestablishment of that roving judgeship for the northern and southern districts of Florida on an active basis, and will again permit the immediate appointment of a new district judge to serve both districts in a roving capacity. Is that correct?

Mr. McCARRAN. The Senator is correct.

Mr. BRICKER. Mr. President, I wish to offer my amendment if we have finished with the pending amendment.

Mr. McCARRAN. Mr. President, what is the parliamentary status as regards my amendment?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada [Mr. McCARRAN], as modified, to the committee amendment on page 5, after line 15.

Mr. McCARRAN. Has the amendment which I offered to the committee amendment been adopted?

The PRESIDING OFFICER. Not yet. The question has not been put.

The question now is on agreeing to the amendment offered by the Senator from Nevada [Mr. McCARRAN], as modified, to the committee amendment on page 5, after line 15.

The amendment to the amendment was agreed to.

Mr. BRICKER. Mr. President, I now desire to offer my amendment.

Mr. McCARRAN. Mr. President, I ask unanimous consent that the amendment of the Senator from Ohio may now be offered, pending final action on the committee amendment beginning on page 4, line 24.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment offered by the Senator from Ohio will be stated.

The LEGISLATIVE CLERK. On page 2, line 25, it is proposed to strike out the period, insert a comma and the following: "and the existing judgeship for the northern district of Ohio created by the act entitled 'An act to provide for the appointment of one additional United States district judge for the northern district of Ohio,' approved May 1, 1941 (55 Stat. 148), shall be permanent judgeships."

On page 4, between lines 8 and 9, it is proposed to insert the following:

Ohio					
*	*	*	*	*	
Northern					4
*	*	*	*	*	

On page 7, after line 8, it is proposed to insert:

> (d) The act entitled "An act to provide for the appointment of one additional United States district judge for the northern district of Ohio," approved May 1, 1941 (55 Stat. 148), is hereby repealed and the incumbent of the judgeship created by such act shall henceforth hold his position under title 28, United States Code, section 133, as amended by this act.

Mr. BRICKER. Mr. President, this amendment was submitted on June 8 and referred to the committee, but, as I understand the distinguished chairman, it was not considered by the committee.

The amendment provides for making permanent the fourth judgeship in the northern district of Ohio. A temporary judgeship was created in 1941. The judge was appointed, and has served since. The duties of the bench in northern Ohio have greatly increased during the 10-year interim period, and there is now need for a permanent fourth judgeship. My amendment will have to be corrected to conform to the amendment offered by the chairman of the committee as a committee amendment, and as recommended by the Senator from Missouri [Mr. DONNELL]. This amendment will simply make permanent a temporary judgeship for 10 years' standing.

I have talked with two of the three judges in the Cleveland area of the northern district of Ohio. They have earnestly urged that this amendment be adopted.

I hold in my hand a resolution from the Bar Association of Cuyahoga County urging the amendment.

It has likewise been considered and recommended by the Judicial Conference and the presiding judge of our circuit, Judge Hicks, who has strenuously insisted that it be adopted. I had hoped that the chairman of the committee might accept the amendment. I thought it might have been considered in the committee consideration of the bill, and that there might be no objection to it.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. BRICKER. I yield.

Mr. McCARRAN. Do I correctly understand that this is merely to make a temporary judgeship permanent?

Mr. BRICKER. It is to make a temporary judgeship permanent. The judge has been serving in a temporary capacity since 1941. The provision of the law at the present time is that upon the resignation or death of one of the judges, the vacancy shall not be filled. This amendment would eliminate that provision.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. BRICKER. I yield.

Mr. DONNELL. Am I correct in understanding that the two paragraphs which I shall read from page 67 of the report express the reason for the amendment? They are brief, and I shall read them:

Sixth circuit:

Northern district of Ohio. Chief Judge Hicks requested the conference to recommend the prompt elimination of existing statutory provisions (55 Stat. 148) under which the filing of the first vacancy occurring in this district is prohibited. In support of his request, Judge Hicks reviewed the volume of business in this district since the last judgeship was authorized, May 1, 1941, and submitted statistical data for the consideration of the conference.

It was the sense of the conference that experience has indicated beyond doubt the necessity for the present four district judgeships in this particular district and that they should all be on a permanent basis. Whereupon, the conference approved the recommendation proposed.

My question is, Does the Senator understand that that recommendation is in accord with the amendment which he now offers?

Mr. BRICKER. My amendment is to carry out the recommendation of the Judicial Conference, upon the suggestion of Chief Justice Hicks of the sixth circuit, for the northern district of Ohio.

Mr. DONNELL. And the recommendation is in the language which I have read?

Mr. BRICKER. Yes. That is the recommendation carried out by my amendment.

Mr. DONNELL. The Senator assures us that the only purpose of his amendment is to carry out that recommendation.

Mr. BRICKER. That is correct.

Mr. McCARRAN. Mr. President, in order to have the Senator's amendment properly considered, I think the parliamentary situation must be straightened out. I now ask unanimous consent that the action thus far taken by the Senate may be reconsidered so as to permit the Senator to offer his amendment.

The PRESIDING OFFICER. Without objection it is so ordered, and the question is on agreeing to the amendment of the Senator from Ohio [Mr. BRICKER].

Mr. McCARRAN. Mr. President, I have before me an excerpt from the proceedings of the Judicial Conference, referred to by the Senator from Missouri. It concludes with the following statement:

Whereupon, the conference approved the recommendation proposed.

That indicates to me that the approval should have been in the bill when it came to the chairman of the Judiciary Committee from the Judicial Conference. However, it was not in the bill at that time, or else it would be in the bill today.

So far as I am concerned, I am perfectly willing to accept the amendment. The bill will go to conference. I think the change may already have been made in the House bill, although I am not certain of that. However that may be, I accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. DONNELL. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER (Mr. HUNT in the chair). Does the Senator from Nevada yield to the Senator from Missouri?

Mr. McCARRAN. I yield.

Mr. DONNELL. In regard to the Missouri situation, I should like to make a brief statement, if I may do so, by unanimous consent.

The bill, as placed before the Judiciary Committee, provided that an existing judgeship for the eastern and western districts of Missouri be made a permanent judgeship. Today that judgeship is temporary. The Judicial Conference recommended that it be made permanent. I may say that subsequent to the action taken by the Judiciary Committee at my instance, I have received from the Missouri Bar a resolution reading as follows:

The Board of Governors of the Missouri Bar, being advised of the recommendations of the Judicial Conference as embodied in legislation now before the Judiciary Committee of the Senate of the United States, and having the utmost confidence in the necessity for the additional judges in California, the District of Columbia, Florida, Georgia, Kansas, New Jersey, New York, Oregon, and Texas, as recommended by the Judicial Conference, and having personal knowledge of the situation in the State of Missouri and the imperative need for the repeal of the proviso contained in the act of December 24, 1942, providing that the first vacancy occurring in the District Judgeship in the eastern and western district of Missouri should not be filled, does hereby adopt the following resolution:

"Be it resolved by the Board of Governors of the Missouri Bar, That the recommendations of the Judicial Conference, above referred to, as embodied in legislation now before the Judiciary Committee of the Senate of the United States, be and the same are hereby approved, and the Congress of the United States and the Members thereof requested to pass such legislation in conformity with the recommendations of the Judicial Conference.

"Be it further resolved, That a copy of this resolution be transmitted to the Judiciary Committee of the Senate and the Members of the House of Representatives and the Senate of the United States from Missouri."

Of course, Mr. President, I greatly respect the views of the Missouri bar and I respect the views of the Judicial Conference. However, after all, in voting upon a matter of this kind, as in the case of any other matter before the Senate, each of us must ultimately use his own best judgment. With all due respect to the opinions which have been submitted here, I have come to the conclusion, and I came to this conclusion before the Judiciary Committee, that this judgeship should not be made permanent, certainly not at this time.

The situation in a nutshell is this: The present judge of the court, the Honorable Richard M. Duncan, who was born on November 10, 1889, is serving there upon the bench. I do not know how long he will continue to be upon the bench, but obviously it is impossible at this time to know whether at the time of the expiration of his tenure there will be need to make that judgeship permanent.

I think any action at this time is premature, for then we would be saying, in effect, that without knowledge of the length of time the judge may continue upon the bench, without any knowledge of what may be the conditions at the time of the expiration or termination of his tenure, we should at this time make the judgeship permanent. To my mind, such action at this time would be premature.

I do not see on the floor at this time my colleague, the distinguished junior Senator from Missouri [Mr. KEM]; but I may say that I have spoken to him, and he has not expressed himself as seeing any need for the proposed legislation.

I may also say in this connection that among the very distinguished judges of our judiciary in the State of Missouri and members of the Federal bench is the Honorable John Caskie Collet, who today is a member of the Federal Circuit Court. However, at one time he was a judge of the United States district court, having been appointed in 1937. He was able to devote time here in Washington as Stabilization Administrator from October 1, 1945, to February 25, 1946, and, as I understand, was a consultant in the White House Office following January 25, 1947, for a period.

Mr. President, it would thus appear to me that if it was possible for one of our judges to come to Washington at that time, and if it is possible, as is the case today, that one of our district judges, Judge Reeves, is able to be spared from our district bench in Missouri to preside in the trial of an extended case in the city of Washington, there is no reason at this time for us to undertake to exercise the powers of prophecy as to what will be the need as of the time of the termination of the tenure of Judge Duncan.

It is for that reason that I suggested to the Judiciary Committee—and I may say that the Judiciary Committee followed the suggestion—that I objected to the inclusion in the bill of the provision making the judgeship permanent, instead of temporary, as it now is.

I thank the Senator for permitting me to make this statement.

Mr. McCARRAN. Mr. President, the Senator from Oklahoma has an amend-

ment which he wishes to offer. I yield to him.

Mr. THOMAS of Oklahoma. Mr. President, I submit and send to the desk an amendment to the pending measure.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, before the period in line 25, insert a comma and the following: "and the existing judgeship for the western district of Oklahoma created by section 2 (a) of the act entitled "An act to provide for the appointment of additional district and circuit judges," approved May 24, 1940 (54 Stat. 219)."

On page 4, between lines 8 and 9, insert the following: "Oklahoma

* * * * *

"Western ---------- 2"

* * * * *

On page 7, after line 15, insert the following:

"(d) Section 2 (a) of the act entitled "An act to provide for the appointment of additional district and circuit judges," approved May 24, 1940 (54 Stat. 219), is amended by striking out 'western district of Oklahoma,' and the incumbent of the judgeship created by said act for the western district of Oklahoma shall henceforth hold his office under title 28, United States Code, section 133, as amended by this act."

Mr. McCARRAN. Mr. President, will the Senator kindly explain the amendment?

Mr. THOMAS of Oklahoma. Yes. The explanation is this: We have two judges in the western district of Oklahoma. The western district embraces the capital, and the capital of our State is growing very rapidly. At the present time, if one of those judges becomes unavailable, through resignation or otherwise, the position will not be filled.

This bill provides for the addition of one circuit court judge to the tenth district. That should be done because the business of this district is increasing. The record shows that the business coming from my State before that court is about one-fourth or one-third of the business going before the tenth circuit.

So if it is consistent to increase the number of judges in that circuit, it is inconisstent not to adopt this amendment, because if one of the judges were to retire or if an increasing amount of work were imposed on the remaining judges, although this bill would not increase the number of judges, yet I think it would make the two existing judgeships permanent.

Mr. DONNELL. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. DONNELL. Does the Senator know whether this situation was disclosed to the Judicial Conference?

Mr. THOMAS of Oklahoma. Inasmuch as there is no vacancy or no prospect of a vacancy for the immediate future, so far as we know, I do not think it will be considered by the tribunal to which the Senator refers. So far as I know, it has not been considered by the Judicial Conference.

Mr. DONNELL. Mr. President, will the Senator yield for a further question, if the Senator from Nevada will permit?

Mr. THOMAS of Oklahoma. I yield.

Mr. DONNELL. Does the Senator from Oklahoma know whether the proposal he has submitted through his amendment was presented to the Judiciary Committee of the Senate?

Mr. THOMAS of Oklahoma. It was offered February 3, and it has been pending before the committee since that date.

Mr. DONNELL. Mr. President, if the Senator from Nevada will yield, does the Senator recall whether this subject matter was considered by the Judiciary Committee, even though it was pending before it?

Mr. McCARRAN. It was not considered, because we were trying to hold as much as possible to the Judicial Conference recommendations. It was not considered for that reason. I do not think the Senator from Oklahoma requested an opportunity to come before the committee, although I do not know that that would have been necessary. Had we been considering it, we probably would have called the Senator. My recollection does not serve me that he ever asked to come before the committee.

Mr. DONNELL. Mr. President, will the Senator yield for a question?

Mr. THOMAS of Oklahoma. I yield.

Mr. DONNELL. With all due respect to the Senator and for his opinion, which I, of course, value highly, as one Member of the Senate I shall feel constrained to vote against the amendment, in view of the fact that it has not been considered in committee. I do not mean to say the Senator may not be entirely correct, but I do not feel that I should like to vote for it without having had the matter considered in committee.

Mr. THOMAS of Oklahoma. In connection with that suggestion, I may say, if it is proper and consistent to add a new member to the circuit court, it certainly would be inconsistent not to support the amendment, because the business of that court comes very largely from the State of Oklahoma.

Mr. DONNELL. Mr. President, I am not able to state the reasons for the inclusion of the new circuit judge, in terms of the needs of the State of Oklahoma, but this matter not having been considered by the Committee on the Judiciary, personally I do not feel willing to vote for the proposal.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma [Mr. THOMAS].

Mr. McCARRAN. May I ask the Senator from Oklahoma how many permanent judges there now are in Oklahoma?

Mr. THOMAS of Oklahoma. Our State is divided into three districts. Oklahoma City is by far the largest, and in it we have two judges. Then we have a northern district with headquarters at Tulsa, with one judge. We have then the eastern district with headquarters at Muskogee, with one judge. We then have one so-called floating judge, who circulates in all parts of the State. We find that we need each of those judges now as the business of our State is increasing because of Indian litigation and oil and gas litigation.

Mr. McCARRAN. That means there are how many permanent judges in Oklahoma?

Mr. THOMAS of Oklahoma. There will be five.

Mr. McCARRAN. Will the five judges include the temporary judge?

Mr. THOMAS of Oklahoma. The temporary judge is included.

Mr. McCARRAN. So this would make five permanent judges; is that correct?

Mr. THOMAS of Oklahoma. That is correct.

Mr. McCARRAN. Mr. President, I find in the report the following statement:

There has been referred to the committee an amendment intended to be proposed by Senator THOMAS of Oklahoma to this bill. Said amendment has for its purpose the making permanent of the existing temporary judgeship for the western district of Oklahoma. No facts of supporting data have been submitted to this committee in support of said proposed amendment. The committee wishes to be understood that its failure to include said amendment in the bill as reported was due to the lack of factual information in support of said amendment. It is to be understood that the failure to include said amendment in the bill as amended is not to be construed in any manner as being an expression as to the merits as to the proposal therein contained.

Mr. President, it is my inclination, and I say this notwithstanding the language I have just read, to take the amendment to conference. The bill is going to conference, and it is my inclination to take the amendment to conference, and I would so express myself.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma. [Putting the question.] The "ayes" seem to have it.

Mr. DONNELL. I ask for a division.

On a division, the amendment was agreed to.

Mr. McCARRAN. Mr. President, the Senator from Rhode Island now has his amendment.

Mr. McGRATH. Mr. President, I should now like to call up the amendment which I have previously sent to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 4, beginning with line 24, it is proposed to strike out all through line 15, page 5, on page 5, line 16, to strike out "(d)" and insert "(c)"; on page 5, line 21, to strike out "(e)" and insert "(d)"; on page 6, line 3, to strike out "(f)" and insert "(e)"; and on page 6, beginning with line 11, to strike out all through line 2, page 7.

Mr. McGRATH. Mr. President, the effect of the amendment would be to strike from the pending bill all the language beginning on page 4 at line 24, and continuing through to the period in line 15, of page 5. The amendment would further strike out line 16 of page 5 the letter "(d)" and reletter the subsection so as to make it "(c)". On page 21, line 5, it would strike out "(e)" at the beginning of the sentence, and substitute therefore "(d)". On page 6, the amendment would strike out "(f)" at the beginning of the sentence on line 3, and substitute therefor "(e)." Also on page 6, beginning at line 11, it would strike

out all the language in paragraph 4, down to and including line 2, on page 7. Substantially, Mr. President, what the amendment would do would be to strike out of the bill——

Mr. DONNELL. Mr. President, if the Senator will yield for a question, merely that I may understand it, does the Senator substitute anything for what is proposed to be stricken?

Mr. McGRATH. No; except insofar as it may be said that the substitution of certain letters, which only indicate the paragraphs, constitute a substitute.

Mr. DONNELL. I understand.

Mr. McGRATH. But there is no language substituted by my amendment.

Mr. DONNELL. I thank the Senator.

Mr. McGRATH. So what the amendment does in effect is to strike from the bill the language of the committee amendment which differs from the bill previously passed by the House of Representatives with respect to the same subject which did not contain this language. I am proposing to strike out this language, Mr. President, because it deals solely with the judgeships to be created in and for the District of Columbia, namely, three additional district court judges and three additional judges for the circuit court of appeals.

The language I object to is that which would make it necessary, to be considered eligible for one of these newly created judgeship appointments in the District of Columbia, that one had engaged actively in the regular practice of law for a period of at least three consecutive years immediately prior to his appointment, and in the case of at least two judgeships that he had actively been engaged in the private practice of law in the District of Columbia for a period of at least five consecutive years immediately prior to their respective appointments.

This language, Mr. President, would, if left in its original form, have prevented the President of the United States from making promotions within the judicial system; it would have prevented him from promoting a municipal court judge or a judge of the municipal court of appeals to the district court of the United States. It would likewise have prevented him from appointing one of the present district court judges of the United States to one of these new vacancies being created on the circuit court of appeals. That situation has been corrected by the amendment to the committee amendment offered by the distinguished chairman of the Judiciary Committee. But the objectionable language still remains in the bill, Mr. President, which bars from consideration for appointment any employee of the United States unless he has given up his employment for at least three consecutive years prior to his appointment, and, in addition to that, has been a member of the bar of the District of Columbia.

Obviously, this is rank discrimination against employees of the Federal Government, whether they come from the District of Columbia, from Kansas, from California, from Pennsylvania, or from Rhode Island. It is discrimination against them. Punishment is being visited on them because they have worked for the Government of the United States within the past 3 years, and therefore the Congress of the United States will place a stigma on them implying they cannot be trusted to act as judges of the court of the District of Columbia. Do we say to the States of Kansas, Rhode Island, or Nevada that any man who has worked for the Government of the United States in those States is ineligible to be appointed to a judgeship in a United States district court? Is there any State in the Union which has laid down the qualification for appointment to a judicial post that if a man has worked in any executive department of the State it automatically bars him from consideration for appointment as a judge in a State court?

I do not believe there can be found anywhere any precedent for what is attempted to be done by this amendment. In addition to its unfairness, in addition to its being a slap at Federal employees and lawyers who work for their Government, regardless of their qualifications, it sets up two classes of judges within the District of Columbia, because the bill creates six new positions which, in effect, would increase the number of district court judges in the District of Columbia to 15.

Against three of them there would be a permanent bar established stating the qualifications to be that a person is not eligible if he has worked for 3 years for the Government of the United States, whereas that discrimination is not imposed against the remaining 12 judges, so that of two men with presumably equal qualifications, one cannot have the position if he has worked for the Government of the United States, but the other may have it.

I think it is bad law, bad practice, and bad precedent that the Congress of the United States should make this distinction and this division in the judiciary of the District of Columbia.

The able chairman of the committee has argued that the President might appoint someone from the Department of Justice, he might appoint someone from the Department of the Interior, or he might even see fit to appoint the Solicitor of the Department of Commerce or of the Post Office Department to one of these judgeships, and that, having done that, the particular judge might be considered to be prejudiced in favor of the Government; that he might not be able to decide some of the questions coming before him because the interests of the Government are involved.

We know, Mr. President, that any man who would be worthy of one of these appointments, any man who has the character and ability to stand muster before the examination which the Judiciary Committee of the Senate would give him before he received confirmation, would be a man of sufficiently high character and integrity to disqualify himself in any case in which he felt he would be prejudiced in the interests of one party or the other.

Yes, Mr. President, the argument is made that, although he might be the fairest man in the land, yet, because he recently worked for the Federal Government, there would be a presumption on the part of litigants in his court that they were not receiving fair treatment. I say such a presumption is possible in the case of any judge, no matter whether he worked for the Government of the United States or for any of the great corporations of the United States, or whether he merely practiced law in the District of Columbia. That disqualification would be present also in the case of our own employees. We do not attempt to disqualify employees of the Congress from accepting appointments. We do not say that no man who has, within 3 years past, worked for the legislative branch of the Government is disqualified for one of these appointments. No, Mr. President; we merely take a slap at the executive branch of the Government; we take a slap at those persons who hold judicial posts with the Government at great sacrifice to themselves. I think I can say with all honesty that there is hardly a lawyer working for the Government of the United States in the city of Washington who could not make twice his salary back home by practicing law. Every Member of the Senate who is a lawyer knows what the conditions in our profession are, and they know that many persons are here at great sacrifice to themselves, their families, and, probably, to their future.

We should not place further obstacles in the way of getting good men to come here; neither should we promise that if they come they may get a judgship some day; but certainly we should not deny by law the very possibility that that might happen.

Some of our judges who possess great judicial minds and temperaments have, before they became judges, been employed by the largest corporations in the United States. They have worked for great utility companies or for other private interests. There are times when litigants appear before them and go away dissatisfied, saying, "We cannot get a fair trial from judge so and so because he once worked for the General Electric Co. or for the General Motors Corp., or he once was in Washington where he made a lot of friends among the big, influential characters in the Congress. Therefore we cannot expect to get fair treatment from him."

Mr. President, I say it is the duty of the Judiciary Committee of the Senate, when it examines candidates for such positions, to decide that the persons recommended for confirmation are persons who would not be of that stamp or character. The people of our country have only our own integrity to look to to protect them from judges who would be biased and prejudiced in the hearing of a case.

There is no reason in the world for putting this stamp of our disapproval, of our suspicion, almost of shameful denial of their rights, on great lawyers who come here and work for the Government of the United States, by writing into law a prohibition against their advancement. It seems to me this is the wrong way to proceed.

Mr. President, I want to say—and I say it because I feel it is my duty to say it to all Members of the Senate who are interested in the passage of this bill—

that the President of the United States cannot sign this bill if it contains this provision, without stultifying himself, because he is the head of the executive branch of the Nation and is the one who has to get lawyers to come here and work. This bill cannot become law unless we take from its contents this vile and discriminatory provision. I say, in all honesty—and it is no threat—that we have a perfect right to pass the bill, and then the President has the constitutional right to veto it if he wants to, and it is also all right to pass it over his veto, if possible. But, Mr. President, I do not believe that can be done. I do not believe we can pass this bill creating these additional judgships, and, at the same time, impose a discrimination against certain persons in the District of Columbia when we do not do it anywhere else in the United States. I do not believe we can pass the bill over the President's veto.

It has been said here today that justice delayed is justice denied. If all over the United States there is need for additional judges in great areas of the country, it would seem to me that the Senate would be wise indeed to remove this irritating provision and help the bill on its way to passage.

I point out that in the law regarding district court judges only in one or two instances does the law provide the qualifications of the man appointed, except that he be of judicial temperament and a member of the bar. The President of the United States could appoint a lawyer from Rhode Island tomorrow, if he desired, to be a Federal judge in Portland, Oreg., or in St. Louis, Mo., or he could appoint a lawyer from Topeka, Kans., to be a Federal judge in Rhode Island. We do not even require a residential qualification.

Mr. President, when these judges are appointed they become judges of the United States of America. They are not judges of the District of Columbia or of Kansas, or Missouri, or New Jersey, or Rhode Island. They have jurisdiction all over the United States. The circuit court judges can send a district court judge out of the District of Columbia to any part of the United States to hear a case. Today there is sitting here in the city of Washington hearing a famous case a very distinguished jurist from the State of Kansas, I believe, who comes here with jurisdiction equal to that he would have in his home State.

Mr. DONNELL. Mr. President, does the Senator refer to Judge Reeves?

Mr. McGRATH. I certainly do.

Mr. DONNELL. He is from Missouri, from Kansas City, Mo.

Mr. McGRATH. I beg the Senator's pardon. The two States are pretty close together. They are two wonderful States, too, I may say.

Mr. DONNELL. I thank the Senator.

Mr. McGRATH. We are asked to say that in certain instances three of the judges appointed in the District must have certain qualifications, though they are to possess all the other attributes of Federal judges exercising jurisdiction all over the United States.

Mr. President, I do not think the Senate wants to do that, I do not think it is fair that we should. I think that if the Congress desires, if the Judiciary Committee feels that it wants to make a qualification for one of these positions the fact that a man has a certain amount of actual practice prior to his being confirmed, that is the privilege of the committee. Nothing would be better understood as a legitimate reason for denying confirmation of a nominee of the President than to show that he did not practice law for 1 year, or 3 years, or 5 years, or we could adopt whatever other qualification we thought to be fair. But I submit it is not fair, nor would it be to the honor of the Senate, that we should pick out of this whole bill just six judgeships in the District of Columbia and say that we are going to put the finger on them and are going to pass our responsibility on to the President.

Mr. President, if the chairman of the committee and the whole committee were to say that they would not confirm a nomination sent to the committee if the nominee had not actively engaged in the practice of law for 1 or 2 or 3 years, I would not object, because that would be our prerogative. But I protest, and protest as vigorously as I can, the writing of this unfair provision into the bill.

I therefore say, Mr. President, that if we want additional judgeships created in the Eighty-first Congress, there is only one way to get that accomplished, namely, by adopting my amendment, and removing from the bill the language I refer to, because if we do not, I fear there will be no judgeships.

Mr. President, before the vote is taken, I am going to suggest the absence of a quorum. I do not want to do that until the able chairman of the committee has finished speaking, if he wishes to address the Senate on this subject further. But I think it is so important that I want every Senator the interests of whose State are involved to be on the floor, and I want Senators to be told that the only way they can get these additional judgeships is over the veto of the President of the United States, unless they support this amendment.

CONDITIONS IN CHINA

Mr. KNOWLAND. Mr. President, will the able Senator withhold his suggestion of the absence of a quorum while I make a brief statement on another subject?

Mr. McGRATH. Yes; I do not wish to suggest the absence of a quorum until the time comes for a vote.

Mr. KNOWLAND. Mr. President, I wish to call to the attention of the Senate a dispatch which came in from Japan today by International News Service, and other wire services. I read the dispatch:

MAIZURU, JAPAN, June 27.—The first shipload of Japanese prisoners of war arrived from Siberia today—and all 2,000 repatriates aboard the ship turned out to be completely Communist indoctrinated.

A spokesman for the group said that all are pledged to join the Japanese Communist Party. He declared that 93,000 other Japanese soon to return also will become Communists.

The former soldiers appeared well fed and looked healthy despite 4 years in Russian prison camps. The group sang the Internationale and other Communist songs as the ship docked at Maizuru.

The spokesman said that all 95,000 Japanese in Soviet custody being returned to their homeland are joining the Communist Party voluntarily "in order to create our own new world in Japan."

Japanese officials were obviously taken aback by the thoroughness of the Communist indoctrination among the group. Mayor Shuji Yanagida of the city of Maizuru termed it an "evident Soviet attempt" to sway Japanese domestic politics "by sending in Communist reinforcements."

This impression was confirmed by the repatriates themselves, who declared:

"We are the vanguard of a Communist army landing in the face of the enemy."

Describing their experiences in Soviet camps the repatriates said that they were not forced to work but that they "worked voluntarily for the greater glory of the Soviet Union."

They said they received food from 3,200 to 3,500 calories daily, while on board ship food averaged only about 2,000 calories.

A Communist-operated daily newspaper for prisoners of war, they said, reported that there are 105,000 Japanese still remaining in Siberia and other Russian-held areas.

Of these, the newspaper was quoted, 95,000 are scheduled to be repatriated before the end of the year. The paper said that the other 10,000 are to remain because they are war criminals or common criminals—or because they "harbor mistaken ideologies."

(When the Russians announced resumption of repatriation recently Gen. Douglas MacArthur's headquarters issued a blistering statement in which it was charged that nearly 400,000 former Japanese soldiers must be in Soviet hands.)

(The statement took issue with the Russian declaration that only about 100,000 remain.)

Mr. President, along with that I also wish to call the attention of the Senate a special dispatch to the New York Times from London, dated June 24, and published in the Saturday issue of the New York Times:

UNITED STATES, BRITAIN LIKELY TODAY TO OPPOSE CHINA BLOCKADE

LONDON, June 24.—The United States and British Governments are expected to make known tomorrow their disinclination to recognize the coastal blockade of which the Chinese National Government has given notice in Canton. Washington and London have been in consultation and are expected to make similar declarations.

A lawful government is admittedly entitled to proclaim the blockade of a coast occupied by insurgents. In doing so, however, it admits a state of belligerency.

Other governments are required to recognize a blockade, provided the belligerent has means to make it effective by methods in accordance with the accepted rules of war.

Mr. President, my understanding is that the United States Department of State had anticipated making a statement Saturday as suggested in this dispatch under a London date line which presumably would have been a joint declaration by the Government of Great Britain and the Government of the United States. I understand that on Saturday morning correspondents were notified that no statement would be made at that time.

I wish to call to the attention of the Senate the fact that what the National Government of China has done—and the present government is the only recognized government of China—is not to declare a blockade of the coast and a state of belligerency, but rather the Government of China has served noticed on

the other powers that it was closing certain of their ports to commerce. This a government has the right to do.

Mr. President, we in this Chamber can speak only as to what the Government of the United States should do in this matter, but what I am about to say applies to the Government of Great Britain. The Government of the United States is taking a very heavy responsibility upon itself if it chooses to ignore the right of a sovereign government, which still has its Ambassador in this country, and when we have an Ambassador in that country, which is a member of the United Nations, which was one of our allies during the late war, and in effect say to them, "We will not recognize your right to close the ports of your own country."

This Government, and particularly the State Department of the United States, have been subject on the floor of the Senate to considerable criticism on the ground that they have for the past year or more been pulling the rug out from under the feet of the legal government of China. If they are now contemplating ignoring the closure of Communist ports by the National Government of China, they would be shifting from that position to one of actually joining up with the revolutionary Communist Government in North China against the National Government of China which we recognize. I certainly hope that the Foreign Relations Committee of the Senate of the United States will go into this matter very thoroughly. I hope that the Senate of the United States itself may be fully informed before any action is taken which will put the Government of the United States in effect as a player on the Communist team in this very tragic situation which is going on in China at the present time.

Mr. President, I am greatly concerned by this situation, because in the London Times of June 23, which I hold in my hand, there is a statement from the correspondent of that newspaper out of Kong Kong, which has a paragraph as follows:

> His Majesty's ship *Black Swan* is stationed at the mouth of the Yangtze, and has instructions to do anything necessary to protect British ships from interference, but she is not likely to proceed up the Whangpoo River, where she would come within the range of Communist shore batteries, until the present situation is clarified.

Now if the English language means anything, Mr. President, it means that the British have already instructed one of their war vessels to interfere with the closing of the ports by the legally constituted government of China, and by force, if necessary, to run what is not a blockade, but in effect is a blockade, whereas at the same time they are unwilling to use their ships against the Communists who, as we recall, so recently fired on two British gunboats up the Yangtze River.

So if those instructions have been given by His Majesty's Government, it seems to that extent the British already are starting to play footsies with the Communist area of north China. I certainly hope that merely because the British Government is contemplating any such action, the Government of the United States will not join in the same type of a game with the Communists in the north China area.

APPOINTMENT OF ADDITIONAL CIRCUIT AND DISTRICT JUDGES

The Senate resumed the consideration of the bill (S. 52) to authorize the appointment of additional circuit and district judges.

Mr. McCARRAN. Mr. President, did I understand the Senator from Rhode Island to ask for a quorum call?

Mr. McGRATH. Mr. President, as soon as we are ready to take a vote, I intend to ask for a quorum call before I ask for the yeas and nays. But I thought other Senators wished to speak on the subject. I feel there are Senators who are interested in this subject, who have not been present and heard the debate, and that they should come to the floor so they may understand exactly what is involved.

Mr. McCARRAN. I suggest the absence of a quorum.

LONGSHOREMEN'S STRIKE IN HAWAII—EDITORIAL FROM THE WASHINGTON POST

Mr. MORSE. Mr. President, will the Senator from Nevada withhold his request while I take 5 or 10 minutes to speak on another subject? I believe the quorum call should be had in direct connection with the question of Federal judges.

Mr. McCARRAN. I withhold my suggestion of the absence of a quorum.

Mr. MORSE. I see my good friend the Senator from Nebraska [Mr. BUTLER] on the floor, and I want to make my remarks in his presence.

I have in my hand, Mr. President, an editorial which appeared in the Saturday, June 25, issue of the Washington Post. The editorial is entitled "Job for the President." I ask unanimous consent that the editorial may be incorporated in the RECORD at this point as a part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

JOB FOR THE PRESIDENT

A double-page advertisement in this newspaper Friday set forth in poignant detail the desperate plight of the 540,000 residents of Hawaii. For nearly 2 months Hawaii has undergone a virtually total blockade decreed by Harry Bridges' International Longshoremen's and Warehousemen's Union. Ostensibly the strike is one of 2,000 stevedores against the stevedoring companies; but in reality it is a war against the Hawaiian Islands. And the war is going against Hawaii. Food stocks are scraping bottom, unemployment is mounting, cattle are dying, exports are rotting. President Truman meanwhile has done nothing to invoke the injunctive procedure of the Taft-Hartley Act; and the Governor of Hawaii will have no power to enforce the recommendations of a fact-finding board he has appointed unless the union and employers choose to accept them.

Beyond the immediate injury to the Hawaiian economy, the strike unquestionably has done great damage to Hawaii's plea for statehood. It shows how the islands can be held in thrall by a single union. An indication of the harm that has been done to the cause of statehood is the somewhat hypersensitive report just issued by Senator BUTLER recommending against statehood "until communism in the Territory may be brought under effective control."

What Senator BUTLER is talking about is not communism among the residents in general, but communism in the leadership of the ILWU. The Federal Government now is seeking to prove that Harry Bridges has concealed his Communist affiliation. Certainly there are other issues than communism in the present strike, but the Communist overtones cannot be overlooked, and it is a matter of record that this is the third prolonged strike tying up shipping since 1946. The ambitions of Mr. Bridges come through his dark hint that a strike against the sugar plantations will come next.

Of primary importance is the realization that the Bridges leadership and communism in the ILWU are a national rather than local problem. Lately the CIO has been energetic in its anti-Communist campaign, and it would gladly be rid of Mr. Bridges if it could accomplish this without making him a martyr. But the fact cannot be ignored that Bridges was elected by members of his union, most of whom presumably are not Communists. Thus the problem of restoring sane leadership to the ILWU is an extraordinarily difficult one that cannot be solved by fiat.

But the immediate issue—relief for Hawaii—is one where legal measures are called for, and where they should be applied for. The least the President should do, it seems to us, is to asked for an injunction under the Taft-Hartley law applying to companies as well as the union and on the west coast as well as Hawaii. Then if union members defied the ruling the Army and Navy could be pressed into emergency service to rescue the innocent victims of the blockade while the courts dealt with Mr. Bridges.

Mr. MORSE. Mr. President, in my opinion, the Washington Post is a great newspaper, but I think its editorial policy in regard to labor legislation falls far short of its greatness in other respects. In the editorial of last Saturday it displayed, it seems to me, the same antilabor bias that has characterized the Washington Post editorial policy for a great many months past, going back to its biased advocacy of the Taft-Hartley law in 1947. It is not for me to suggest what is the cause of that bias. But in trying to figure it out I suspect that one should not ignore the Washington Post's own labor difficulties in recent years.

Mr. President, we find the Washington Post on Saturday asking that the President seek an injunction under the Taft-Hartley law against the strike in Hawaii. I think it is very fortunate that we have a great newspaper, in the very midst of the debate in the Senate of the United States on the injunction issue, giving us such a frank example of the effectiveness of the injunction as a strike-breaking weapon, because one cannot read the Washington Post editorial without recognizing that the editorial writer fully understands what the effect of the injunction would be in the Hawaiian strike. It would break it, and the Post knows it. But do we find in the editorial of the Washington Post an unbiased pro and con statement of the strike in Hawaii We do not. We find that great newspapers seeking to poison the minds of its readers, dragging across its pages again the old Communist bugaboo in the stevedore industry.

As I speak this afternoon I hold no brief for Harry Bridges or his leftism, be-

cause I think his leftism is a distinct disservice to organized labor in this country. But I am not going to let prejudice in regard to the president of that union becloud my vision as to the merits of the issues which are involved in the Hawaiian strike.

Of course, Hawaii today is nearly prostrate as a result of the great contest which has been going on over there between the employers and labor. Note what the Washington Post said:

> But the immediate issue—relief for Hawaii—is one where legal measures are called for, and where they should be applied for. The least the President should do, it seems to me, is to ask for an injunction under the Taft-Hartley law applying to companies as well as the union and on the west coast as well as Hawaii.

What nonsense, Mr. President. What deceit, Mr. President, of reference to the injunction applying to the companies. What would the effect of the injunction be on the companies? Why does not the editorial writer point out that the effect of the injunction would be to break the strike? He knew it when he penned the words. It would have no effect on the companies under the Taft-Hartley law, but it would restore the staus quo before the strike, and under the American flag it would send the ships in there and break the strike. The editorial writer knows it. Yet in that sentence he would give the readers the impression that the injunction would be a weapon of mutuality and would have some effect upon the companies. It would have effect on the companies all right. It would be right in the companies' corner. It is a good illustration of the point I discussed thoretically on the floor of the Senate last week when I pointed out that the effect of the injunction is to put the Government on the employer's side of the table.

That is the effect of the injunction. The Washington Post says:

> Then if union members defied the ruling the Army and Navy could be pressed into emergency service to rescue the innocent victims of the blockade while the courts dealt with Bridges.

Mr. President, I am going to divorce Bridges from the issue which I am discussing. I am going to suggest to the President what I think ought to be done in the Hawaiian case. The record ought to be made clear; but the Washington Post was not fair enough to make it clear. The record ought to be made clear that under the leadership and influence of one of the greatest industrial statesmen in America, Cy Ching, head of the United States Mediation and Conciliation Service, and through the splendid work of that service, for weeks the union has taken the position that it would be willing to arbitrate the merits of the dispute. Why did not the Washington Post point that out if it wanted to be fair? Why does not the Washington Post put the heat where it belongs, on the Big Five of Hawaii? The Big Five of Hawaii are spending huge sums of money to propagandize the American people that arbitration of the Hawaiian dispute would be what? Communist tactics. Imagine it, Mr. President. That is the position of the employer class in Hawaii today. The position of the employer class in Hawaii is that an arbitration on the merits of that dispute would be Communist tactics. Did Senators ever hear anything more nonsensical than that? What the Big Five in Hawaii want to do in this economic show-down is to break the union and win the strike. They want the United States Government on their side of the table, by way of an injunction. The Washington Post is asking that the injunction weapon be placed in the hands of those employers, although it is questionable whether the emergency dispute provisions of the Taft-Hartley Act can in any case be held applicable to the Hawaiian dispute.

In the interest of humanity, as represented by the suffering human beings in Hawaii, I say that the struggle ought to end. Instead of the jungle law of economic force now raging in Hawaii the President should appeal to both sides to accept arbitration.

What the President of the United States ought to do, in my judgment, is to send a message to Congress, or meet with the Congress in joint session and announce that he is appointing a board of unquestionably impartial citizens as the President's mission to Hawaii. He should offer an arbitration board to the employers and to the union, to hear the case as a judicial tribunal sitting in arbitration on the merits. Then, as President of the United States, he should use the great prestige of his office to ask the parties to pledge themselves in advance to accept as final and binding the decision of the Board, with the understanding that while the Board arbitrates, full operation of shipping facilities in Hawaii shall be resumed.

We have reached the point where I say that we are entitled to a decision on the merits. Would an injunction give it to us? We have heard a great deal of debate in the Senate about the injunction. Here is a good test as to the effectiveness of an injunction in a specific case. What would its effect be? Would it give us a decision on the merits? Not at all. It would break the strike. It would place people in a position in which, if they did not resume the status quo as it existed before the strike, they would go to jail. Would that have anything to do with the merits of this dispute? Not at all.

I want to say from this desk today that if the employers of Hawaii are so sure of the merits of their case then they have no cause to be afraid of fair arbitration before a board appointed by the President of the United States. That is the acid test for them. If we read their advertisements and the propaganda they have issued, we are inclined to believe that they will not accept arbitration on any basis whatsoever.

If I were President of the United States I would call their bluff today. I would say to the American people, as President of the United States, "I cannot stand by and see the great human suffering that is going on in Hawaii today. I offer to the parties a fair arbitration board. I ask the parties, in a spirit of patriotism, to bind themselves in advance to accept the decision of that board as final and binding upon them, with the understanding that while the board deliberates, normal operations will be resumed in Hawaii." That is what I call applying the rule of reason to the merits of the dispute. That would give us a decision on the merits.

What we need in all these great emergency cases, as I said last week, is a decision on the merits. We do not solve a dispute by having the Government of the United States crack one side or the other over the head with an injunction, saying, "Unless you go back to work on the basis of the same terms which existed previously, which gave rise to the dispute in the first instance, you will go to jail."

I know how easy it is for anyone who says a word of defense in favor of arbitration in an industry involving Harry Bridges' union to be placed in the position of having the unthinking, the prejudiced, and the biased jump to the conclusion that he is raising his voice in defense of Bridges. I am not. I am raising my voice in defense of the principle of arbitration. So long as Harry Bridges is president of that union we must face that as a fact. In my judgment, the rank and file of the membership of that union should be free from any prejudicial action on the part of the United States Government simply because they see fit to keep as the head of their union a man whose political philosophy I will have none of. I want to keep my eyes focused on the basic issue, which is the settlement of this case on its facts.

Fundamental to resolving that basic issue is the adoption of a procedure which will give us a decision on the merits of the dispute. We will not get it by any such suggestion as that contained in the Washington Post editorial of last Saturday.

Thus I say that I agree with the report of the Senator from Nebraska [Mr. BUTLER]—and I paraphrase it—that Hawaii is defeating or setting back its chance for statehood. However, I think there are reasons over and above the reasons set forth in the report of the Senator from Nebraska, which are causing more and more of us who a few short months ago were in favor of Hawaiian statehood to be cooling off toward Hawaiian statehood. I certainly have cooled off toward it. Not only do employer-labor relationships in Hawaii today demonstrate such a lack of stability that there is grave doubt as to the right of Hawaii to statehood, but, in addition to the problems the Senator from Nebraska states in his report in respect to the type of leftism that it is alleged has come to characterize some of the labor movement in Hawaii, I think this dispute shows that the political philosophy which the employing class in Hawaii has demonstrated during this strike disqualifies Hawaii at the present moment for statehood. I think the philosophy of the employing class, as represented throughout this labor strike, shows a philosophy of feudalism which I thought we had passed beyond a century ago. The feudalistic attitude of the Big Five which has cropped out once again with great clearness in this strike shows that the employing class of Hawaii is not ready for statehood.

Mr. President, I hope this will be the last time that it will be necessary to raise the issue of the Hawaiian strike in the Senate. I hope the President of the United States will proceed to act. I think the President of the United States needs to call some bluffs in this dispute. The best way to call them is to offer a fair, impartial arbitration board to both sides. Then let us see who it is that refuses to let his case be decided on the merits.

Let me close by pointing out that the shipping companies concerned, as I said some weeks ago on the floor of the Senate, are for the most part the same shipping companies that last year negotiated the mainland collective bargaining agreement which has in it the finest arbitration section of any bargaining agreement in this country. The same shipping companies that arbitrated in San Francisco, Seattle, Portland, and Los Angeles are refusing to arbitrate in Honolulu. Why? I will tell you, Mr. President: The situation has reached the point where I am inclined to believe that apparently there is something to the suggestion that they are afraid of the merits of their own case. If they are not, then let them get back, and do so quickly, to what I think is the soundest and fairest method of settling labor disputes, once the situation reaches the type of deadlock which the parties in this case have reached, and that is arbitration where there is a decision on the merits.

I close by asking unanimous consent to have printed at this point in the RECORD, as a part of my remarks, a letter I have received from a resident of Hawaii. I do not know him, but in writing to me he points out some of the effects of the strike on the little people in Hawaii. He himself is not a stevedore. As I read his letter, he is a job holder, and on a very low echelon level, too, in one of the departments in Hawaii. But he sets forth a human-interest story, it seems to me, as to the effect of this type of economic deadlock in Hawaii. Certainly there are thousands like him. As the powerful union and the big five continue to reach for each other's economic throats in Hawaii, it is the little men and women who in the long run, after all, will pay the bill; and they are the ones experiencing great suffering there today.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HONOLULU, *June 17, 1949.*

DEAR SENATOR MORSE: Your name is being mentioned now and then by the newscasters over here in connection with the waterfront strike, which I suppose is getting more than its share of mainland publicity.

Since you appear to be the only responsible person willing to acknowledge that there might be two sides to the ILWU-Big Five battle, perhaps you'd be interested in several observations of an unqualified onlooker.

First let's look at what has happened to staple food prices since the strike began. Rice, the main food of these people sold for $10.25 to $11.25 just before the strike. Now, 6 weeks later it's selling for $25 or thereabouts, and the poor persecuted merchants seem to have plenty of it to sell. Potatoes sold for 4 cents a pound before the strike. Now they are priced at 20 cents. Are the rulers of the territory doing anything about this exploitation of the people? They are not.

Now let's look at the starving-baby problem. If any baby in Hawaii is hungry, he must have been brought up on a diet of plutonium, because every grocery store in Honolulu has all the milk anyone wants to buy. It seems very odd that these strikes always occur when local wholesalers and retailers are stocked to the limit.

The ruling class here has blamed ILWU terrorism for an alleged ruination of the tourist business. Let's look at that: There has been absolutely no terrorism. Furthermore, there isn't any tourist business in Hawaii. What is represented as such consists of two aristocratic hotels owned by the Matson Navigation Co.—who also own one passenger ship which carries aristocrats back and forth from San Francisco. I suspect a good many of its passengers year after year, are local plutocrats—the predators responsible for the larcenous tax laws which make this about the most miserable place under the American flag in which to live.

The predators have been on the air 16 hours a day, and have used the front page of a newspaper which they own, for 6 weeks, screaming "Communists." They don't seem to have any other point to make. Now I don't know exactly what a Communist is, except that he seems to be something which it is fashionable to hate right at the moment. Maybe 5 years from now it will be fashionable to hate Catholics or Jews or Masons or redheads or something else—I don't know. But be that as it may, as far as I can see, the predators haven't proved one case of Communist allegiance among their enemies, the ILWU. They may have documentation on this score, but I doubt it. Knowing this place as I do, they wouldn't pass up an opportunity to throw one of their enemies in jail if they had anything on him, or even thought they had.

Now I'm not trying to build a case for raising stevedore wages. Maybe they should be lowered. But, what I think is worth pointing out is that Hawaii is the victim of a sick, decadent, and obsolescent brand of economy which has created a fabulously rich feudal minority, and which will soon or late create an antithetical host of starvelings unless the Federal Government steps in and takes a firm hand in these matters. Personally, I think another Thomas Dewey in the role of prosecuting attorney could do quite a bit toward fumigating this den of political abomination.

I'll admit I don't completely understand the implications of arbitration, but on the basis of how it has been explained to me, I fail to see anything unreasonable about the basic idea. And it seems rather odd that the employers here should be so dead set against it. It sort of looks as if they know they'd lose if they accepted arbitration as a means of settlement.

In my opinion, much of the dither calculated to attract national publicity to the Hawaii dock strike is in the category of silly dramatics. Having President liners drop anchor out in the sea instead of coming into harbor is a good example of an imbecilic effort to create the impression that there is some sort of danger lurking around the docks in the form of picket lines. A group of hare-brained women parading up and down in front of the union offices bearing placards accusing union leaders of being Bolsheviks or worse is more of the nonsense which fools no thinking person in this place.

The United States Navy with the characteristic stupidity such as they have demonstrated in Hawaii on at least one previous occasion seems to have alined themselves with the strong-take-all element. According to the papers they are going to start issuing out canned milk from the naval supply depot. There is nothing wrong with this I suppose, except that there is already enough canned milk in Honolulu stores to relieve any famine which might occur in the continent of Asia.

These may be naive observations, but I can assure you that I'm not handicapped by any blind prejudice on either side in this matter. As a person who has been picked up by the police, taken in, and forced to pay a tax on a tax already collected by the Federal Government, in addition to several additional taxes too complicated for my understanding—I suppose I'm just a little prejudiced against the Hawaiian rulers, particularly when this happened without any advance notice of any kind. And as a person who, knowing so well the Honolulu hatred of a mainland government employee, that he is afraid to report a theft to the police, I'll admit I feel no particular love for the lawmakers—the people who for generations have held title to practically all the land in the Hawaiian Islands. I feel no particular affection for the strikers either, but I must admit that up to now, they've done nothing to hurt me.

Now I'm certainly no expert on political matters, but I could hazard a couple of guesses at a couple of basic things which are wrong with the picture here. For one thing, a strong governor with a will to deal with the serious problems of this outpost would help a lot. Secondly, the colossal governmental employment subsidies of the Island of Oahu are economically unsound. The thousands of people employed here by the military system render no valuable service in the establishment or maintenance of a sound economy. As far as defense is concerned, it has already been demonstrated that they can't defend the place even against an inferior enemy. There's nothing to defend anyhow in this age of globe-circling bombers. A barrel of bacteria dumped in two or three critical spots would demoralize the entire city and county.

Contrary to popular opinion on the subject, a high percentage of Federal wage earners here are local, rather than mainland people. Our wages, with some notable exceptions of course, are higher than they should be, considering the service most of us render. Furthermore, there are twice as many of us as there should be, even after the healthy cut-backs of the past year. Since we are universally despised by the Hawaii lawmakers, and a good segment of those who vote for them, we are objects for legalized banditry in the form of fabulous retail prices and unconstitutional taxes. All of this also affects those not fortunate enough to be on the Government pay roll, and sometimes they must translate their resentment into the form of demand for higher wages.

I don't know how much a stevedore should earn in relation to a machinist or a shipfitter. But I do know that a stevedore pays 37 cents a pound for dropling oranges the same as a shipyard worker does.

The rulers have also dragged the sugar business into the dock strike and have accused the union of upsetting the cane-growing cycle, which they say will ruin the sugar business for years to come. I suppose failure to set a crop of cane would disturb the 8-year cycle, but they are talking about something which hasn't happened yet. Perhaps if the sugar planters land was taxed to the extent that a wage-earner is here, Hawaii would eventually find something more profitable to grow than sugar. I'm not sure, but they tell me there are millions of acres of tax-free land in these islands owned by the descendents of the missionary land grabbers. This is accomplished they tell me, by passing a law declaring it unproductive. Yet a $300 river shack on some of it, leased to a wage earner, carries a price tag of about $18,000 to $40,000.

This is how the whole thing looks to an unqualified observer. Maybe some of my impressions are slightly inaccurate. I don't

doubt that the lawyers of the Big Five could make all of them scund inaccurate. They're good at that. It's their business. In any event, Honolulu isn't quite ready for an air lift.

Sincerely.

Mr. MORSE. Mr. President, the answer, I say again, is arbitration. I respectfully suggest to the President that he use the prestige of his great office to call upon the parties to accept arbitration.

ADDITIONAL CIRCUIT AND DISTRICT JUDGES

The Senate resumed the consideration of the bill (S. 52) to authorize the appointment of additional circuit and district judges.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island [Mr. McGRATH] to the committee amendment on page 4 in line 21.

Mr. McCARRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	Hoey	Millikin
Anderson	Holland	Morse
Baldwin	Humphrey	Mundt
Bricker	Hunt	Murray
Butler	Ives	Neely
Byrd	Jenner	O'Mahoney
Cain	Johnson, Colo.	Reed
Chapman	Johnston, S. C.	Robertson
Cordon	Kefauver	Russell
Donnell	Kem	Saltonstall
Douglas	Kilgore	Schoeppel
Downey	Knowland	Taft
Ferguson	Long	Taylor
Flanders	Lucas	Thomas, Okla.
Frear	McCarran	Thomas, Utah
Fulbright	McClellan	Thye
George	McFarland	Tydings
Graham	McGrath	Watkins
Green	McKellar	Wherry
Gurney	McMahon	Williams
Hendrickson	Malone	Withers
Hill	Martin	Young

The PRESIDING OFFICER. A quorum is present. The question is on agreeing to the amendment to the Committee amendment offered by the Senator from Rhode Island [Mr. McGRATH].

Mr. McCARRAN. Mr. President, in order that the matter before the Senate may be thoroughly understood, I shall read the language of the bill as it comes before the Senate, pages 4 and 5, as follows:

(c) Of the District judges for the District of Columbia, (1) at least three shall have been actively engaged in the private practice of law, and shall not have been regularly employed in the executive branch of the Government of the United States, during a period of at least three consecutive years immediately prior to their respective appointments; and (2) at least two shall have been actively engaged in the private practice of law in the District of Columbia for a period of at least five consecutive years immediately prior to their respective appointments. Any period or periods of active service in the armed forces of the United States shall not be considered as regular employment in the executive branch of the Government, and any such period or periods shall be disregarded in determining whether the years of practice required by this subsection are consecutive or immediately precede the appointment.

Mr. President, let me read an excerpt from the Judicial Code:

Except in the District of Columbia, each circuit judge shall be a resident of the circuit for which appointed at the time of his appointment and thereafter while in active service.

Mr. President, no one would think of appointing a district or circuit judge from outside the circuit or outside the State in which that district judge was to serve. It was tried some years ago. I think the State of Georgia was very much in arms when an attempt was made to bring in from another State an appointee to serve as a judge in the State of Georgia. Let a President try some time to appoint for service in the State of New Jersey a judge from the State of Pennsylvania, the State of New York, the State of Nevada, or from some other State. I venture the assertion that no President would try it. Yet, Mr. President, we bring them into the District of Columbia, we entice them, so the able Senator from Rhode Island says; we entice them to come into the District of Columbia, and we hold up a reward to them, so the able Senator from Rhode Island says; we hold up a reward to them——

Mr. McGRATH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Rhode Island?

Mr. McCARRAN. If the Senator will wait until I finish my sentence, I shall yield. We hold up a reward to them that if they come here and stay they will be eligible to appointment to a judgeship.

Mr. McGRATH. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. McGRATH. Mr. President, does the Senator believe that he is accurately quoting the Senator from Rhode Island? I made no statement to the effect that we hold up a reward.

Mr. McCARRAN. The substance of what the Senator said, the whole inference of what he said, was exactly what I have quoted.

Mr. McGRATH. Mr. President, will the Senator yield further?

Mr. McCARRAN. I yield.

Mr. McGRATH. I made no such statement, that we hold out a reward to them. I did say it was always a possibility; that men having served in the executive branch of the Government and having established residence here, should not be barred by law from the possibility that they may be worthy of consideration for one of these judgships at some time.

Mr. McCARRAN. Did not the Senator say it is difficult enough to get people to serve the Government, and that to impose this qualification makes it all the more difficult?

Mr. McGRATH. I certainly did say so; and that we should not place any obstacles in their way.

Mr. McCARRAN. Then the Senator says he did not infer this was a reward held up to them. I will leave that for the Senate to judge.

Then, again, Mr. President, the Senator from Rhode Island said—and I was sorry to hear him say it—that Senators who are interested in the appointment of judges as provided in the bill will not be able to get the bill through unless they vote to strike my amendment from the bill. What a threat for the chairman of the Democratic National Committee to make to Senators on the floor of the Senate. Have we not a right to exercise our judgment, for God's sake, on a bill which means so much? Why should there be a threat hurled in the faces of Senators by the chairman of the Democratic National Committee, that unless we vote for his amendment, the President—on the advice of the chairman of the Democratic National Committee, I suppose—will veto the bill? This is the first time I ever heard such a threat on the floor of the Senate in the 18 years I have been a Member of this body, and I hope it is the last time, because I hope we may present to the Senate of the United States matters which are worth while for the impartial judgment of the Senators.

If there is anything in the amendment offered by the Senator from Rhode Island which Senators believe is worth while, then, in God's name, and in their own judgment, let them vote for the amendment. That is all right—and I offer no threat, because there is none to be offered. If nominations of judges come up for confirmation, regardless of whether Senators vote for my amendment to the bill or for the amendment offered by the Senator from Rhode Island, such nominees will be fairly, squarely, and honestly dealt with.

Mr. President, let me read another excerpt from the code. I read to the Senate the provision that a circuit judge must be a resident of the circuit in which he is appointed. Let me read another provision:

Each district judge, except in the District of Columbia, shall reside in the district or one of the districts for which he is appointed.

I wonder what that means? In other words, in the States they must reside in the circuit for which they are appointed if they are appointed on the circuit court bench, or they must reside in the district in which they are appointed, if they are appointed to the district court bench. But in the District of Columbia no such provision prevails.

Mr. President, there are two objectives embodied in the language in the bill. One is that the bar of the District of Columbia, composed of as fine a group of lawyers as there are in America, shall have a chance to serve the people on the bench of the District of Columbia. That is one objective; that is one aim. The other is to say to the people of the country, "If you come to the District of Columbia and engage in litigation against any executive department, regardless of what it may be, to redress wrongs or to secure rights, you shall go before a man who has not, for the past 3 years, been a member of some department, under the pay and the control of that department."

Again, Mr. President, I say I do not care how fair a decision may be, if it is decided against the litigant, he will say, "Well, if I had gone before a judge who

had not served in a Government department within the past 3 years, I would not have been so treated."

Fairness is all we are looking for, and so long as we can have the confidence of the people of the country in their courts, I believe we will be secure in our Government.

Mr. President, I hope that the amendment of the Senator from Rhode Island will be rejected by a vote of the Senate, and I ask for the yeas and nays.

Mr. McGRATH. President——

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHERRY. What is the order as to the yeas and nays?

The PRESIDING OFFICER. They are ordered.

Mr. McGRATH. Mr. President, I shall detain the Senate for only a short time. I shall not repeat the argument I made in behalf of my amendment. It will be found in its entirety in the RECORD.

If the Senator from Nevada has located in the statutes the section with respect to residence to which he has referred—I have no doubt he has the information before him—I can only say that the hurried search which I made during the pendency of the debate did not bring the section to my attention. Some of the members of the staff of the committee were looking, also, and were unable to put their fingers upon the section. I had made no prior research on this point, because I did not know the bill was coming up for consideration today.

The Senator from Nevada has seen fit to make a great point of the fact that I made a threat to Senators. I was very careful to make it perfectly clear that it is the right of the Senate to pass any kind of a bill it wishes to pass, and, by the same token, the Executive has his rights in the matter, and we have a remedy against his action. If he should veto the bill, we can pass it over his veto. It is not making a threat to the Senate to state that simple fact, which I tried to do, very carefully, when I said that, in my opinion—and I have a right to an opinion as a Senator and as a citizen, and maybe I have a right to an opinion as the chairman of the Democratic National Committee—I said, Mr. President, that, in my opinion, the President of the United States could not sign this bill, with this provision in it, without stultifying himself. I have heard that statement made on the floor of the Senate time and time again, by many Senators arguing in behalf of proposed legislation.

The President of the United States is the head of the executive branch of the Government. These persons work for him. What kind of an individual would he be to slap some of them down by a provision of law such as this, discriminating against them, and in favor of other persons? If we are sincere in saying we want to have a provision of this kind, then there should be an amendment making it apply to Federal district judges all over the United States, and not simply in the District of Columbia.

I am sorry if any Senator should take amiss, as apparently the Senator from Nevada has, the fact that I called the Senate's attention to my opinion that the bill cannot be signed by the President without, as I see it, bringing himself into a position in which, knowing him as I do, I do not believe we shall ever find him. Therefore, if it has become the rule or the custom that no Senator shall stand upon the floor and express his honest, deep, and sincere conviction as to what the outcome of a bill will be, I think we are depriving ourselves of a great deal of wisdom and knowledge that should be of great value in considering proposed legislation.

So I do not apologize in the least, Mr. President, for calling to the Senate's attention what I think Senators will agree is a reasonable attitude and the only proper attitude which can be taken by the man who is charged as the head of the Executive branch of the Government to be fair, impartial, and equal in his treatment of every Federal employee.

I have made a long argument as to why the language should be stricken. I hope that Senators in casting their votes will take into consideration the argument which has been made as to the fairness of the proposal.

I have been told by several Senators since the debate started that I have changed their opinion. They have said, "I thought there was only one side to this issue, but you have changed my opinion." Several Senators came to me during the quorum call and said that I had changed their opinion. I think if all the Senators had heard my complete argument there would be no question that the amendment which I have offered would be agreed to, that the objectionable language would be stricken from the bill, and that we would pass a clean bill in line with that which the House of Representatives sent to the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Rhode Island [Mr. McGRATH] to the amendment of the committee.

The yeas and nays having been ordered, the clerk will call the roll.

The Chief Clerk called the roll.

Mr. LUCAS. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senators from Texas [Mr. CONNALLY and Mr. JOHNSON], the Senator from Mississippi [Mr. EASTLAND], the Senator from Iowa [Mr. GILLETTE], the Senator from Arizona [Mr. HAYDEN], the Senator from Oklahoma [Mr. KERR], the Senator from Idaho [Mr. MILLER], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

The Senator from Louisiana [Mr. ELLENDER] is absent by leave of the Senate on official business, having been appointed an adviser to the delegation of the United States of America to the Second World Health Organization Assembly meeting at Rome, Italy.

The Senator from Washington [Mr. MAGNUSON], the Senator from South Carolina [Mr. MAYBANK], the Senator from Pennsylvania [Mr. MYERS], and the Senator from Florida [Mr. PEPPER] are absent on public business.

The Senator from Maryland [Mr. O'CONOR] is absent on official business, having been appointed a delegate to the International Labor Conference at Geneva, Switzerland.

The Senator from Mississippi [Mr. STENNIS] is absent because of illness.

The Senator from New York [Mr. WAGNER] is necessarily absent.

Mr. SALTONSTALL. I announce that the Senator from Maine [Mr. BREWSTER], the senior Senator from New Hampshire [Mr. BRIDGES], the Senator from Montana [Mr. ECTON], the junior Senator from New Hampshire [Mr. TOBEY] and the Senator from Wisconsin [Mr. WILEY] are absent on official business.

The Senator from Indiana [Mr. CAPEHART] is absent because of his attendance at the funeral of a member of his family.

The Senator from Iowa [Mr. HICKENLOOPER] is absent on public business.

The Senator from New Jersey [Mr. SMITH] is absent because of illness.

The Senator from North Dakota [Mr. LANGER], the Senator from Wisconsin [Mr. McCARTHY], the Senator from Maine [Mrs. SMITH], and the Senator from Michigan [Mr. VANDENBERG] are detained on official business.

The Senator from Massachusetts [Mr. LODGE] is necessarily absent.

The result was announced—yeas 25, nays 41, as follows:

YEAS—25

Anderson	Johnston, S. C.	Murray
Chapman	Kefauver	Neely
Douglas	Kilgore	O'Mahoney
Frear	Long	Russell
George	Lucas	Taylor
Green	McFarland	Thomas, Utah
Hill	McGrath	Withers
Humphrey	McMahon	
Hunt	Morse	

NAYS—41

Aiken	Hendrickson	Mundt
Baldwin	Hoey	Reed
Bricker	Holland	Robertson
Butler	Ives	Saltonstall
Byrd	Jenner	Schoeppel
Cain	Johnson, Colo.	Taft
Cordon	Kem	Thomas, Okla.
Donnell	Knowland	Thye
Downey	McCarran	Tydings
Ferguson	McClellan	Watkins
Flanders	McKellar	Wherry
Fulbright	Malone	Williams
Graham	Martin	Young
Gurney	Millikin	

NOT VOTING—30

Brewster	Hickenlooper	O'Conor
Bridges	Johnson, Tex.	Pepper
Capehart	Kerr	Smith, Maine
Chavez	Langer	Smith, N. J.
Connally	Lodge	Sparkman
Eastland	McCarthy	Stennis
Ecton	Magnuson	Tobey
Ellender	Maybank	Vandenberg
Gillette	Miller	Wagner
Hayden	Myers	Wiley

So Mr. McGRATH's amendment to the amendment of the committee was rejected.

The PRESIDING OFFICER. The question now is on the committee amendment, as amended by the amendment offered by the Senator from Nevada [Mr. McCARRAN].

The amendment, as amended, was agreed to.

Mr. McCARRAN. Mr. President, there is pending before the Committee on the Judiciary, House bill 4963, which is a companion bill to Senate bill 52. I ask unanimous consent that the Committee on the Judiciary be discharged from

further consideration of the House bill, and that the Senate proceed to consider the House bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

There being no objection, the Senate proceeded to consider the bill (H. R. 4963) to authorize the appointment of additional circuit and district judges.

Mr. McCARRAN. Mr. President, I now move to strike out all after the enacting clause of House bill 4963, and and to insert in lieu thereof the language of Senate bill 52, as amended.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada.

Mr. WHERRY. Mr. President, does the Senator propose that a House bill on the calendar be taken up, and that the language of the Senate bill, as amended, be substituted for the language of the House bill?

Mr. McCARRAN. Let us get the situation straight. House bill 4693 is not on the calendar. It is in the Committee on the Judiciary. I asked unanimous consent that the Committee on the Judiciary be discharged from further consideration of the House bill. That request was agreed to. I then asked that the Senate proceed to consider the House bill, and I moved the Senate bill, as amended, be substituted for the language of the House bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill, H. R. 4964, was read the third time and passed.

The PRESIDING OFFICER. Without objection, Senate bill 52 is indefinitely postponed.

Mr. McCARRAN subsequently said: Mr. President, with reference to House bill 4963, which passed the Senate this afternoon, I move that the Senate insist on its amendments, request a conference with the House thereon, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McCARRAN, Mr. MILLER, and Mr. FERGUSON conferees on the part of the Senate.

NATIONAL LABOR RELATIONS ACT OF 1949

The Senate resumed the consideration of the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes.

Mr. THOMAS of Utah. Mr. President, as we return to the consideration of the unfinished business, I do not want to detain the Senate very long, because I deem it unfair to do so, since those who have offered various amendments should have time to discuss them. Therefore, I feel I should not take up the time of the Senate. But I believe it is necessary to state the real problems which are facing us in connection with the questions which will be voted on under the unanimous-consent agreement.

The amendment to the Thomas bill offered by the Senator from Florida [Mr. HOLLAND] on behalf of himself and other Senators, brings vividly and very clearly to the minds of every Senator the principle in regard to injunctions. If that amendment should be accepted and if it should be written into the Thomas bill, much of all that the Thomas bill is attempting to embody in the law of the land in regard to labor legislation will have been blasted. In saying that I ask Senators to remember what has been said about the injunction by speakers on both sides of the aisle.

The struggle to get the injunctive process out of labor disputes began far back in the early nineties, but did not result in a national law on the subject until 1932. In that struggle the Democratic platforms promised labor to take the injunctive process out of labor disputes. That privilege was given to labor by the Norris-LaGuardia Act, enacted under Republican auspices. I mention those two facts to show that both major political parties had become thoroughly convinced over the years that the injunctive process was a bad process; that it was bad government in and of itself in labor disputes.

Mr. President, in order that I may not be misunderstood, I wish to say that I do not want to get into a controversy with the Senator from Missouri, for example, who defends the injunction as a legal procedure which is for the benefit of both sides. I am not trying to destroy any legal rights. But I know that under the theory of collective bargaining and the settling of disputes between the employer and the employees, whenever the Government comes in by injunction, the Government by inference takes sides, and the ability to argue on an equality goes out the window. That has been the history of the injunction. Labor has felt that Government was not honest with them under the injunction. Labor has felt that the Government was taking sides under the injunction. So we have come to the very issue that is the most serious one in labor's mind. The Government of the United States, when it passed the Norris-LaGuardia Act, accepted the thesis of labor and made that thesis the law of the land.

Mr. President, in general terms, no matter what anyone may say about the origin of the Taft-Hartley law, I still accept the statement of the young man named Morgan, who on the witness stand said that he received $7,500 for writing that law, and he wrote it under the direction of employer organizations. I realize that a real employer, or a real management did not have anything to do with the writing of that law; that it was done merely by the agent. This is what I want to say to the people of the United States and to the real employers from one end of the country to the other. If they accept the theory and the principle of the Taft-Hartley law, as written by this young man who received money to do it, they are merely standing for confusion in their industry.

Mr. IVES. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I stated that I merely wished to make a statement. I would rather not yield. I wish to make this statement so that the debate can proceed properly. If it is all right with the Senator, I will not yield at this time.

Mr. IVES. The Senator from New York would like to clear up a matter while the Senator from Utah is discussing the particular subject.

Mr. THOMAS of Utah. I dislike to yield. I do not wish to take time that belongs to others. Since the Senator has asked, I will yield to this extent.

Mr. IVES. The Senator from New York appreciates the courtesy of the Senator from Utah.

The Senator from New York would like to inquire of the Senator from Utah if he does not recall that a very large part of the Taft-Hartley Act came from the committee bill reported by the Senate Committee on Labor and Public Welfare in 1947.

Mr. THOMAS of Utah. I recall all that.

Mr. IVES. I should like to ask another question, if I may. That being the case, I think the Senator from Utah will admit that the gentleman to whom he refers in his remarks had nothing whatever to do with preparing the Senate bill.

Mr. THOMAS of Utah. I would just as soon admit that. I would just as soon admit that the young man lied. I would just as soon admit that the Republican National Committee paid him $7,500 for doing something which he did not do. But no one would accept such admissions. The young man's testimony is there.

Mr. IVES. Mr. President——

Mr. THOMAS of Utah. I want to explain my thesis and to show, if I can, the position in which industry in the United States is placing itself in relation to this bill, because it is following leaders who are attempting to be vengeful and attempting to punish, instead of bringing about a condition under which we can have true collective bargaining.

Mr. IVES. Mr. President——

Mr. THOMAS of Utah. I realize that when I opened the debate on this bill I brought in the testimony of Mr. Morgan. I continue to bring it in. I read what Mr. Hartley said about the bill. I think I have proved my thesis. No one paid any attention to it. Immediately the reply came from the other side that I tried to show that political interests were involved in the bill; that those on the other side were not politically interested at all; that they were merely trying to do something for their country; that they were merely trying to pass good legislation; and that what Mr. Hartley said in his book was not true. So those who defended the Taft-Hartley law in the Senate found themselves in complete disagreement not only with what the author of the bill in the House of Representatives said, but also with what actually took place, and with the testimony of young Morgan.

Those things are in the past. What I wish to point out is what is happening as a result of this debate, to show the evils—if I may use that word—in the attempt

to use the Government as a restraining influence on industry or labor in overcoming a dispute.

Mr. President, it is evident to every Senator who reads his mail that the real employers in this country realize that to whatever extent the spirit of the Taft-Hartley law remains in this bill it will not be good legislation. We have approved three or four amendments. It is claimed that the amendments which we have approved have been taken from the Taft-Hartley law. I have tried to explain that they were not taken from the Taft-Hartley law, but that they contain the spirit of the Taft-Hartley law, and that those amendments reflect against employers and business and will bring them trouble.

It is said that by compromising we are forced to accept the principles of the Taft-Hartley law. What is happening? Is there an industrialist in the United States who wants to sign the anti-Communist affidavit and the anti-Fascist affidavit, and do all the things he must do when we take over the spirit of the Taft-Hartley law? I pointed out that there was mutuality, but that it was a mutuality which was based upon the fact that the Taft-Hartley law asked for something which was unjust and improper, and therefore we ask for two unjust and improper things, rather than abolish the improper thing.

We tried to bring about mutuality in another way. We tried to say that since labor must furnish financial statements as to its condition before it can go before the National Labor Relations Board, it is fair also to ask industry to make such financial statements. Industry now realizes that it is having imposed upon it something which should not be imposed upon it. The forceful hand of the Government is entering a picture in which the Government should not be. It is making industry do something which industry should not do, does not want to do, and should not be called upon to do in a labor dispute.

I am speaking to the people of the country—not to the representatives of employer organizations, because I know them. I stated in my opening remarks that all during the civil-liberties hearings, when we had before us a real employer, the real owner of a business, we had an honest man, and a man who understood decent industry-labor relations. I have never met such a man who did not want to be loyal to his country and who did not want peace in his industry-labor relations. But when we have an organizer, a man who is trying to organize the force of industry so that it may be thrown against the force of labor, and who is trying to get the force of Government on his side, we have a man who is living by his wits, whether it be in a mediation case or a conciliation case. Whenever anything like that happens, good relationships go out the window.

We heard the testimony of the Senator from Indiana [Mr. CAPEHART], an employer on an extensive scale. He knows what these amendments will do. He knows what the Taft-Hartley law has done. What I wish to say, before Senators vote, is that they should think over what the employers want. They want to be left alone. They do not want to be coerced. They do not want to enter a dispute supported in an unjust way by the Government. Labor will react to such a situation in the same way industry reacts when labor is supported in an unjust way by the Government.

I want to tell the people of the country that honest collective bargaining is the thing at which we are aiming—not advantage taking in bargaining; not an attempt to get the Government on one side or the other. Whenever we write such provisions into the law we limit the use of collective bargaining.

One of the most terrible industrial-labor disputes is taking place at the present time in Hawaii. When we annexed Hawaii we made her an incorporated part of the United States. But because we have written into the law a national-emergency provision, who can say that that which affects Hawaii, thousands of miles offshore, is a national emergency? Therefore nothing can be done. Nothing is being done. Who is being hurt? Both industry and labor are being hurt. Our country is not being greatly affected, but the shipping interests conducting transportation between this country and Hawaii are greatly affected.

Why is Government holding back? Because of the limitation or definition in the law which seems to describe a national emergency. There is no national emergency on a very wide scale, and so the evil and the injury continue. Would not the President of the United States, before he acted, have to pass judgment as to whether the evil which is going on in Hawaii is a national emergency or not? He could have taken the advice of the governor of that Territory. He could have taken the advice of the military. He could have taken the advice of his naval representatives. He could have taken the advice of citizens. But no; before he could do anything he must be convinced that there is a national emergency.

That is the other side of the kind of legislation which we have been forced to perpetuate because we have wanted to bring government into the picture. I believe that practically every large employer in the United States, when he thinks the bill through, when he realizes the meaning of the amendments which have been offered, when he makes a comparative study of the National Labor Relations Act as it was before the Taft-Hartley law came into existence, and when he sees what is to be done in regard to these amendments, will say to all his friends in the Senate, "Stand by the provisions of the Thomas bill, because that leaves us freer. It makes for better collective bargaining. It leaves the Government out the picture, and puts the problem where we would like to have it."

Mr. DONNELL. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. FREAR in the chair). Does the Senator from Utah yield to the Senator from Missouri?

Mr. THOMAS of Utah. I am nearly through, but I shall be glad to yield.

Mr. DONNELL. The Senator from Utah was referring to the situation in Hawaii. I wish to ask him whether under the Thomas bill the President would have any authority to deal with the Hawaiian situation.

Mr. THOMAS of Utah. I used that as an illustration. Under the Thomas bill the national-emergency idea will be continued, and the President will have to pass judgment in regard to that matter, just the same as he does under the Taft-Hartley law. I merely am trying to show that once we write such an idea into law, we bring about a limitation as well as the possibility of action.

Mr. DONNELL. I understand that the Senator from Utah agrees that under the Thomas bill itself the President is not given powers which would enable him to deal with the Hawaiian situation.

Mr. THOMAS of Utah. Before he could deal with it, he would have to decide that it was a national emergency.

Mr. DONNELL. Just as he would under the Taft-Hartley law.

Mr. THOMAS of Utah. Yes, that is true. Of course, I am talking about the evil which develops.

When the Senator says "Just as he would under the Taft-Hartley law," that brings in questions as to the details. I do not know whether the answer to that is "Yes" or "No." I do not mean that the answer is that whenever the President shall find a certain situation existing, under the Thomas law he shall do certain things, or that whenever the President shall find a certain situation to exist, under the Taft-Hartley law he shall do certain other things. But judged by the spirit of what the Senate has been trying to do to develop more cordial relations in connection with settling disputes, it seems to me that when the national emergency provision was written into the law, we went backward, not forward.

Mr. DONNELL. I take it that the Senator from Utah agrees that if the amendments to the labor law, in the form of Senate bill 249, the Thomas bill, are enacted, the President will not have any authority under that bill to deal with the Hawaiian situation, unless he finds that the situation is one in which a national emergency is threatened or exists.

Mr. THOMAS of Utah. I think that is true.

Mr. DONNELL. And that is also true under the Taft-Hartley law, is it not?

Mr. THOMAS of Utah. That is true. The Senator from Missouri knows, as I do, why the national emergency provision is found in our bill.

Mr. DONNELL. I thank the Senator.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I yield.

Mr. MORSE. Under either the Taft-Hartley law or the Thomas bill there would be nothing, would there, to stop the President from voluntarily offering to the parties in the Hawaiian dispute, if he cared to do so, the appointment of an arbitrator, if they would accept the arbitrator's decision as binding?

Mr. THOMAS of Utah. Not at all. Furthermore, if the President decides that this is a national emergency, he may act, of course. But the mere fact that the words "national emergency" appear indicates the restraining influence placed upon the President, thus holding

him back. Of course, I do not know whether that is holding the President back in this case. I am not trying to guide the President in any way as to the Hawaiian situation, for now I am speaking merely for myself.

My point is that since the national employers' associations brought about the enactment of the Taft-Hartley law, they have advised the employers of the United States poorly, and that has resulted in bad law and bad administration. In short, they have not been faithful servants to their trust. That is what I meant.

Mr. MORSE. Mr. President, will the Senator yield for a further question?

Mr. THOMAS of Utah. I am glad to yield.

Mr. MORSE. In putting the question to the Senator, I wish to say, first, that I completely agree with the last observation the Senator from Utah has made.

I ask the Senator, Does he agree with me that if we followed the proposal set forth in the Washington Post's editorial of last Saturday in respect to the Hawaiian dispute, namely, that an injunction should be issued in that dispute, that would not decide the merits of the dispute at all, but the injunction would merely put the Government on the employers' side of the table in the dispute?

Mr. THOMAS of Utah. Yes; and probably would send the men back to work against their will, which, I repeat, never brings about a salutary spirit and never results in anything but a forced mediation, if mediation occurs.

Mr. President, I am through. I wish every Senator to realize the seriousness of these votes. The Holland amendment would destroy the Thomas bill. If the Holland amendment is submitted for that purpose, it is submitted with great wisdom, because if it becomes a part of the Thomas bill, we shall go back to something quite as bad as the provisions of the Taft proposals.

If the amendment of the Senator from Illinois [Mr. LUCAS] is adopted, of course we shall remove the injunction from the Taft proposals.

If we support the Lucas amendment, that will mean a vote against the use of injunctions in labor disputes. It will mean a return to the spirit of the Norris-LaGuardia Act; it will mean that we can accomplish at least those two things. The way the vote goes on these two proposals undoubtedly will be controlling as to how we shall vote on the other proposition that is before us under the unanimous-consent agreement, namely, the question of the adoption of the Taft substitute for title III of the Thomas bill.

Mr. IVES. Mr. President, will the Senator yield for a question?

Mr. THOMAS of Utah. I yield.

Mr. IVES. Did I correctly understand the able Senator from Utah to say that he is in favor of the Lucas amendment?

Mr. THOMAS of Utah. I shall vote for the Lucas amendment, of course, because at least it removes the injunction from the Taft proposals. I could not vote against the Lucas amendment, and I do not think any Senator who wishes to return to the days of the Norris-LaGuardia Act can vote against the Lucas amendment.

Mr. IVES. Mr. President, will the Senator yield further?

Mr. THOMAS of Utah. I yield.

Mr. IVES. As between the Lucas amendment and the corresponding provision, in the bill of the Senator from Utah, dealing with national emergencies, which one does the Senator from Utah prefer?

Mr. THOMAS of Utah. I like my own bill very much better than the Lucas amendment. If the Lucas amendment and the Taft substitute become the law, we shall have to do some other things to the law before it is a good one.

TRANSSONIC AND SUPERSONIC WIND-TUNNEL FACILITIES AND AIR ENGINEERING DEVELOPMENT CENTER

Mr. TYDINGS. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of Senate bill 1267, Calendar No. 436, a bill to promote the national defense by authorizing a unitary plan for construction of transsonic and supersonic wind-tunnel facilities and the establishment of an air engineering development center.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLAND. Mr. President, reserving the right to object, let me say I had intended to speak, and had assured other Senators that I would do so as soon as the distinguished Senator from Utah completed his statement. I would not like to agree to have this other measure brought up now unless it will be disposed of promptly, without debate.

Mr. TYDINGS. I say to the Senator from Florida that I should like to take 5 or 10 minutes to explain the bill. In the event the debate goes on for longer than that, I shall be glad to yield to the Senator.

Mr. HOLLAND. Mr. President, I dislike in any way to stand in the way of the distinguished Senator from Maryland. I shall be glad to wait 10 minutes, if the Senator thinks that will be an adequate period of time.

Mr. TYDINGS. Mr. President, that does not mean that the bill will be voted on in 10 minutes. It simply means that I shall take 10 minutes to explain the bill.

Mr. TAFT. Mr. President, I understand that any Senator can at any time demand the regular order, if it appears that there will be extended debate on the measure to which the Senator from Maryland refers.

Mr. HOLLAND. Mr. President, my understanding goes further than that, namely, that the distinguished Senator from Maryland himself will relinquish the floor if the bill is not disposed of within the 10-minute period.

Mr. TYDINGS. That is correct.

Mr. MORSE. Mr. President, I was for the bill in the Armed Services Committee, but I would not be willing to vote on the bill in the absence of a quorum call. I think as a matter of fairness all Members of the Senate should have notice through a quorum call.

Mr. TYDINGS. The Senator from Maryland has no disposition to push it to a vote, so after 10 minutes, if any Senator wants to demand the regular order, the Senator from Maryland will not interpose. I feel this is a matter of importance, and that there should be an explanation in the RECORD. I do not want to use 10 minutes in suggesting the absence of a quorum, and therefore I should like to proceed merely to lay the facts before the Members of the Senate.

The PRESIDING OFFICER. Is there any objection?

Mr. TAFT. Mr. President, reserving the right to object, with the understanding that no vote will be taken without a previous quorum call, I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland?

There being no objection, the Senate proceeded to consider the bill (S. 1267) to promote the national defense by authorizing a unitary plan for construction of transsonic and supersonic wind-tunnel facilities and the establishment of an air-engineering development center.

Mr. TYDINGS. Mr. President, before devoting any time at all to Senate bill 1267, and with some reluctance, for it puts me in a rather immodest position, nevertheless I am going to attempt to bring to the Senate and the country the importance of this proposed legislation. Those of us who serve on the Armed Services Committee and who have been privy to strategy as it will probably be employed if we should have another war, have continually been astounded with the rapid rate at which science and invention in the military field are proceeding. It is very difficult indeed to explain and to defend even measures of a military character on the floor of the Congress, because all of us on the Armed Services Committee have in our minds briefings which we have had and which for obvious reasons, we cannot very well discuss on the floor of the Senate, but which are really very important in the consideration of any of these highly technical and scientific matters, such as atomic energy, guided missiles, and the like.

I shall take the liberty of making an astounding statement. In my judgment, for whatever it may be worth, in the near future—and I do not mean in a year or two, but not too far distant—we shall have arrived at a stage in military science when intercontinental guided missiles will be used in warfare, just as we were astounded to learn in World War II that Hitler was employing the V-bomb and the buzz bomb and was raining destruction upon British cities from 60, 70, and 80 miles away, with missiles which went 60 miles in the stratosphere on their way to the target. So, with the advance of science and with mechanical know how, we have come to see that the time when the intercontinental guided missile, flying across the ocean with nobody in it, but pretty accurate in its trajectory and as to where it will seek out its target, is not far off.

We have already at this session authorized legislation dealing with this phase of warfare. I hate to see it come. I wish it were impossible for science and invention to make such a discovery, I wish it were possible that the atomic

bomb had never have been discovered. I derive no pleasure and satisfaction out of the creation of these death-dealing machines which carry so much of evil portent to the future civilization of mankind. But in the realistic world in which we live we must face the sheer and naked and difficult facts of life. We already have the intercontinental bombing plane, a plane that has flown over 8,500 miles, fully loaded, nonstop. It is easy to see that such a plane could fly from here to Egypt and back again without touching the ground, carrying a considerable load of death and destruction. With the atomic bomb, that brings us to the realization of how quick warfare will come in the future and of the widespread destruction which lies in its wake.

In the creation of these great instruments which fly through the air, like the airplane and the guided missile, long before they take on the shape of reality, there have to be numerous tests made, for instance, of what the wings will do when confronted with certain currents of air. In order to make these tests there have to be models made exactly like the finished plane is to be when fully completed. These models are put into giant wind tunnels, and there they are tested. Without such models and such tests, we would have to build the plane and then take the whole plane out and try it. In that way we would invest millions upon millions of dollars and quite often have to discard the finished product because we could not foresee the "bugs" and the faults which might develop, because there was no adequate means of testing and ascertaining the faults.

Mr. MORSE. Mr. President, will the Senator yield at that point for a question?

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Oregon?

Mr. TYDINGS. I yield for a question, because I only have a little time.

Mr. MORSE. Is it not completely true that while the making of the tests will result in certain dangers to human life, even greater dangers would be likely to result from the use of the equipment without such tests?

Mr. TYDINGS. I thank the Senator for his contribution. We should have to send the men aloft in the planes without knowing how they would perform in advance. In order to keep abreast of these developments, particularly in the field of guided missiles, it may be necessary to develop wind currents up to 3,000 or 4,000 miles an hour, because the guided missile of the future which might leave this continent and go to another would travel at a rate of speed which baffles our imagination. Therefore, we must anticipate the actual conditions which will confront the guided missile once it is completed, and in order to do that we must have these tremendous wind tunnels in which the models can be placed and put through a variety of tests, which reveal to a considerable degree the idiosyncrasies of the particular object, whether it be a missile or a plane, when it is confronted with the realities of the atmosphere and the stratosphere itself.

The nation that stays ahead in this field probably wins security for its citizens. The nation that falls behind in this field will bring on insecurity for its citizens. Just as the nation that has the atomic bomb while others do not have it may feel that it is so strong that it will not be attacked, so the nation that has not the atomic bomb feels that it is always likely to be attacked in a given circumstance because it is the weaker of the two. In order to keep our primacy in the air it is essential that we have these wind tunnels. The committee I believe reported the bill unanimously. It comes to us with the backing of the Department of National Defense. It comes to us with one of the highest priorities of all the legislation we are requested to pass at this session of the Congress.

I should be glad to debate the bill for hours, if necessary, but I have given the Senate an outline of the bill, and I shall not ask for its further consideration today. But, without exaggerating, days are precious. This work should be begun in the not far-distant future. Other countries are working on the same things. Sometime days may be the difference between security and insecurity.

Mr. KEFAUVER. Mr. President, will the Senator yield?

Mr. TYDINGS. If the Senator will permit me to finish my sentence I shall be glad to yield.

When we consider these intercontinental guided missiles and when we conceive that man's genius may place an atomic warhead in one of them, we begin to conceive of the possibilities as offensive and defensive weapons these guided missiles have and how important these wind tunnels are to the development of guided missiles and airplanes.

I now yield to the Senator from Tennessee.

Mr. KEFAUVER. I should like to ask the Senator from Maryland if the evidence before the committee did not show that tremendous sums of money could be saved by using these wind tunnels, rather than having first to construct planes which might not meet the necessities of the purposes for which they are to be used.

Mr. TYDINGS. Yes. The evidence conclusively showed that while the larger wind tunnels are very expensive, there will be a saving many times more than the actual cost of the wind tunnel, because by means of the wind tunnel we can estimate what an airplane will do, and thus avoid the necessity of building an expensive airplane first to find out what it will do. Thus by trial and error, by use of the wind tunnel, we can feel reasonably secure that the plane will do the job for which it is designed and intended.

Mr. President, I have but 1 minute remaining, and I want this statement to go into the RECORD. I do not insist on a vote today, tomorrow, or the next day, but I want Senators to know that there is no more important piece of legislation for the protection of our children and our children's children, the American way of life, the rights of labor, the rights of capital, and all the other rights, than to keep America in the forefront in this important new development in the field of military science. I am hopeful that before long we can find a time when the Senate can consider this matter and put the bill on the statute books. It is not an easy subject for laymen to understand, but I have given the layman's point of view on the outstanding elements and essentials and I certainly hope that before long we can accommodate the Department of National Defense which is very anxious to begin work on this project at the earliest possible moment.

Mr. BALDWIN. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield to the Senator from Connecticut.

Mr. BALDWIN. Is it not a fact that the Armed Services Committee of the Senate is unanimously in favor of this proposed legislation?

Mr. TYDINGS. That is correct, to the best of my recollection.

Mr. BALDWIN. And is it not a fact that the committee held very extended hearings?

Mr. TYDINGS. It held extended hearings, and a portion of them were in secret, as the Senator will recall. Therefore he and I, in pushing bills of this character, are at a disadvantage. We know the urgency for action, and our colleagues do not, and we are not in position to make open statements.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, anounced that the House had agreed to the amendment of the Senate to the bill (H. R. 3198) to amend the act of June 18, 1929.

NATIONAL LABOR RELATIONS ACT OF 1949

The Senate resumed the consideration of the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes.

Mr. HOLLAND. Mr. President, I desire to address the Senate on the subject-matter of the pending business, namely, the amendment offered by the Senator from North Carolina [Mr. HOEY], the Senator from Ohio [Mr. BRICKER], the Senator from Kansas [Mr. SCHOEPPEL], and myself to Senate bill 249, the so-called Thomas bill which is designed to amend in some respects and to repeal in some respects the Taft-Hartley law.

Mr. President, I listened with a great deal of interest—and I always listen with edification—to the address of the distinguished Senator from Utah, the chairman of the committee, whose name is borne by Senate bill 249 which is now pending. I noted his reference to the fact that the Taft-Hartley law, if I correctly understood him, came from sources about which he was not too happy. I understood him to say that there was some showing that the bill came from the National Association of Manufacturers and, I think, its counsel.

May I say to the distinguished Senator that, in the first place, I do not happen to know the officials of the NAM, or their counsel. I did not happen to know them in 1947 when I strongly supported the

provisions of the Taft-Hartley bill. I do not happen to know them at this time. If some Senator much better acquainted with the subject matter of the bill and the pending amendments had offered the amendment which now bears the name of myself and other Senators, I would have been very happy. I want to assure the distinguished Senator from Utah that I have had a very strong conviction, which I still have, that, just as in 1947 was the case, we are now confronted with a problem which, above all things, involves the protection of the general public of the United States as against work stoppages in vital national industries. I stated in the two brief appearances I made in 1947 that I thought that subject transcended everything else which was embraced within the provisions of the Taft-Hartley bill. I say again that I think that is the principal matter which we should consider and which we must consider; and I say with the utmost respect to the distinguished Senator from Utah, recognizing his great liberality and his great ability, that I still feel that the bill which bears his name does not include anything within its four corners which begins to give adequate protection to the general public of the United States.

From listening to the debate of the distinguished Senator, I think it is most apparent that he would give, in this matter, and in all matters in this field, the greatest consideration to the question of how labor is affected by the measure. I am perfectly willing to admit that as to all fields except in the basic industries labor have first consideration, but in that field the public interest must always come first. I wish to say, however, to the Senator from Utah and to the other Members of the Senate who are present that it seems to me he makes a mistake, and that the Senate and the House will make a tragic mistake, if it be not realized that one of the transcendent weaknesses of our form of government which has developed so that all who wish to see must see that it does exist, is the feebleness with which we deal with matters which involve the vital public interest in the field of labor-industry relations.

So I very strongly sponsor the amendment. I am happy to have with me as joint sponsors the Senator from North Carolina [Mr. HOEY], the Senator from Kansas [Mr. SCHOEPPEL], and the Senator from Ohio [Mr. BRICKER]. I assure the Senate that the amendment offered by the four Senators whom I have mentioned does not come from the NAM or from any source other than the convictions of those Senators, in which I believe they are joined by many other Members of the Senate and of the House, that the measure proposed by the distinguished Senator from Utah is without sufficient force, strength, or validity when it comes to giving the protection to which the public is due in the vital industries of the Nation, in which, when operation is suspended, the result is to visit disaster and tragic danger and injury upon all other industries and upon all communities in the Nation, regardless of how far they may be located from the particular area in which the industry finds its base.

The purpose of the amendment is to seek to give, through the use of the injunction, some protection and some consideration to the vital interests of the general public of the United States, who, I repeat, are hurt when basic industries shut down, and who, I think, are entitled to have their Government take such an active and lively interest in their convenience, in their existence, and in their carrying on of business and work, so that they may be freed from the perennial hazard of shut-downs in these vital industries, at least for the limited period of time, 60 days only, included in the amendment, at least for a period of time which has proved to be adequate, in most of the cases which have arisen, to allow settlement of the troublesome questions existing in those vital industries which have preceded the bringing of the injunction actions.

Let me say in the beginning that I think the distinguished Senator from Utah, and those who agree with him in this matter, have given undue importance, in its consideration, to the adoption of the Norris-LaGuardia Act in 1932. In the first place, I wish to call his attention and theirs to the fact that, while that act was adopted in 1932, there had been in existence prior to that time, in all the States, or virtually all of them, authority to bring injunctions, not merely in the public interest, but in behalf of private employers. I call the attention of the Senate to the fact that less than half the States of the Nation have thought it wise to follow the Federal Government in the adoption of acts similar to the Norris-LaGuardia Act.

I have had prepared at my request, by counsel for the committee, two lists which I wish to comment upon briefly at this time. First is a list of 21 States of the 48 which have adopted so-called little Norris-LaGuardia acts, leaving 27 States which have not adopted such acts, and which have refused, though I understand bills proposing such acts have been offered in every legislature in the Nation, to adopt, as a matter of State jurisprudence, the theory of the Norris-LaGuardia Act.

I should like to offer at this time this statement, prepared by counsel for the committee, which embraces the list of 21 States in which at one time or another since the passage of the Norris-LaGuardia Act—and I believe in all instances except one or two the acts were passed after 1932—the so-called little Norris-LaGuardia Acts were adopted. I ask that the list be inserted in my statement at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Twenty-one States have or have had laws which, by one method or another, forbid the issuance of injunctions in labor disputes.

By far a greater majority of these acts were adopted after the passage of the Federal Norris-LaGuardia Act of 1932 and were designed to further the public policy expressed in the Federal statute.

States which have deprived their courts of the power to issue injunctions in labor disputes are: Colorado, Connecticut, Idaho, Indiana, Louisiana, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Utah, Washington, Wisconsin, Arizona, Illinois, New Mexico, and Wyoming.

These laws are not identical and, as a matter of fact, a few of them, such as Pennsylvania, include provisions whereby injunctions may issue under certain limited exceptions to the general prohibition.

Even without any limitation on the issuance of injunctions by State courts, however, it is obvious that State power does not and cannot extend to labor disputes covering employers and employees in the same industry in geographical areas including two or more States. Consequently, any protection to be afforded the public in so-called national emergency situations must come from the Congress rather than State governments.

Mr. HOLLAND. Mr. President, I next call attention to the fact that while much has been said on the floor of the Senate during the debate about the fact that some 17 States have in their wisdom adopted either constitutional or statutory provisions banning the closed shop, and while a larger number of States have adopted regulatory procedures in this troublesome field of labor-industry relations, it has not appeared in the RECORD, and therefore I wish to have it now appear that of the 21 States which adopted little Norris-LaGuardia acts within the past 4 or 5 years, 6 of those States have adopted provisions which, in effect, cut down the field of coverage of their little Norris-LaGuardia acts so as to limit their application, and so as again to permit the use of the injunction in certain phases of labor-industry disputes in those six States. The six States are Colorado, Minnesota, North Dakota, Oregon, Pennsylvania, and Wisconsin.

I offer at this time a statement prepared by counsel, as aforesaid, which shows the particulars, and in each instance there is more than one particular, in which the six States which did adopt little Norris-LaGuardia acts have softened their acts and have again permitted the use of the injunction in their particular jurisdictions.

Mr. President, I call attention to the fact that never has the use of the injunction been prohibited, either under the Norris-LaGuardia Act or under the little acts applicable in the 21 States, but the provisions were so full of limitations and conditions for the enforcement, through injunction, of any right against labor unions that they amounted to prohibitions which, in few instances, if in any, could be overcome.

I call attention to the fact that in the six States there has been departure in recent years, when there has been so much troublesome strife in this field, from the little Norris-LaGuardia act, and the list which I have asked to have printed in the RECORD at this time shows the particulars in which those six States have changed the laws in those States.

I see on the floor of the Senate the distinguished senior Senator from Minnesota [Mr. THYE]. I have had opportunity to confer with him about the three matters in which the State of Minnesota, in its wisdom, has changed the so-called little Norris-LaGuardia act of that State in recent years, to make sure that

counsel hit upon the real facts which are included in this statement. I understand, after conference, that such is the fact.

I mention only the three particulars in which the State of Minnesota has receded from its position in adopting the little Norris-LaGuardia act, as follows:

First. Secondary-boycott activities are an illegal combination in restraint of trade, in violation of the public policy of the State, and are an unfair labor practice. It is an unlawful act for any person or organization to engage in a secondary boycott.

Injunctions are available in this field. That law was passed in 1947 in the State of Minnesota.

The second provision is as follows:

Any strike involving a charitable hospital is unlawful and the provisions of the State anti-injunction act do not apply in such cases.

That law likewise was passed in 1947.

The third provision is:

Jurisdictional strikes and picketing are unlawful after the Governor of the State has appointed a labor referee to settle the dispute.

That particular act was passed in 1943.

Mr. President, in filing this list I merely ask Senators to recall that there were never more than 21 States which followed the philosophy of the Federal Government as expressed in the Norris-LaGuardia Act, and that of the 21 there are only 15 which now stand their ground without having limited in various ways, and some of them in very important ways, the effect of their little Norris-LaGuardia act. So that injunctions are again available, and made a matter of State practice, in the six States I have mentioned, and they have been made so notwithstanding the fact that the Norris-LaGuardia Act was on the books, and notwithstanding the fact that labor relations have grown in importance in recent years, but probably because of the fact that labor unions have been proven to have power oftentimes to injure the public welfare and interpose grave threats to the peace and security of the people residing in the States affected.

Mr. President, I offer at this time the list prepared by counsel of the changes in the little Norris-LaGuardia acts in the six States which I have mentioned.

The PRESIDING OFFICER. Is there objection?

There being no objection, the list was ordered to be printed in the RECORD, as follows:

INJUNCTIONS AUTHORIZED BY STATE ACTS NOTWITHSTANDING ANTI-INJUNCTION LAWS

COLORADO

1. State Industrial Commission is authorized to apply for restraining orders against any party failing or neglecting to comply with an order of the Commission (Colorado Labor Peace Act, sec. 8 (7), 12 LRRM 2324).

2. Upon failure to comply with order of State Industrial Commission limiting number and manner of picketing, Commission may apply for injunctive relief (Colorado Labor Peace Act, sec. 8 (15), 12 LRRM 2324).

MINNESOTA

The application of the Minnesota anti-injunction statute is limited in the following manners:

1. Secondary boycott activities are an illegal combination in restraint of trade, in violation of the public policy of the State, and are an unfair labor practice. It is an unlawful act for any person or organization to engage in a secondary boycott. (Ch. 486, L. 1947).

2. Any strike involving a charitable hospital is unlawful and the provisions of the State anti-injunction act do not apply in such cases. (Ch. 335, L. 1947).

3. Jurisdictional strikes and picketing are unlawful after the Governor of the State has appointed a labor referee to settle the dispute. (Ch. 624, L. 1943).

NORTH DAKOTA

The anti-injunction statute of North Dakota has been limited in its application by the following laws of the State:

1. Any strike must be preceded by a vote among the employees involved. If more than 50 percent of employees voting favor a strike, a stoppage may begin 30 days after the announcement of the vote.

If more than 50 percent of employees voting do not favor a strike, any picketing engaged in thereafter is unlawful and is subject to restraint by the district court of the State of the county where the picketing occurs. (North Dakota union-regulation law, H. B. No. 160, L. 1947, approved by referendum June 29, 1948).

2. Boycotting, secondary boycotting, and sympathy strikes are hereby declared to be against the public policy and against the peace and dignity of the State of North Dakota and shall be subject to restraint by the district courts of the State of North Dakota as well as suits for damages therein (North Dakota union-regulation law, H. B. No. 160, L. 1947, approved by referendum June 29, 1948).

OREGON

1. Any person injured by violation of State law banning "hot cargo" and secondary boycotts shall be entitled to injunctive relief (c. 356, Laws 1947. 20 LRRM 3003).

2. Orders of the State Commissioner of Labor under the Oregon Fair Employment Practice Law may be enforced by mandamus or injunction (c. 221, Laws 1949, 23 LRRM 3014).

PENNSYLVANIA

1. State labor board is authorized to apply for restraining orders to enforce or prevent noncompliance with its orders notwithstanding State antiinjunction statute (State labor act, sec. 9 (d), 20 LRRM 3149).

2. Any person adversely affected by strike or lock-out of public-utility employees may bring an action to restrain and enjoin such violation (sec. 15, act 485, laws 1947, 20 LRRM 3060).

WISCONSIN

1. State labor board is authorized to apply for restraining orders against any party not complying with a previous valid order of the board. (Wisc. employment peace act, sec. 111.07, 20 LRRM 3158.)

2. State labor board is authorized to obtain injunctions to restrain and enjoin violations of and to compel performance of duties under the Wisconsin act for arbitration of public utility disputes (sec. 111.63, 20 LRRM 3099).

Mr. HOLLAND. Mr. President, I next come to a point with which it seems to me we should now all be familiar, that labor itself recognizes the difference, the complete distinction, between the types of action sought to be precluded by the Norris-LaGuardia Act, that is, actions by employers themselves against their own employees and injunctions under the Taft-Hartley Act and that it is perfectly idle for us here in the Senate to debate this subject as if labor did not distinguish between the kind of injunction which we are discussing, covered in the amendment now pending, and included in the Taft-Hartley Act, and the type of injunction which was common prior to the passage of the Norris-LaGuardia Act, that is, injunctions through which individual employers sought to hold on the job their individual employees, and the courts, under the practice prior to 1932, had issued frequent, all too frequent, injunctions in that class of cases.

The Senator from Utah mentioned the mail we are all receiving on this subject. Mr. President, not only my mail, but frequent talks with laboring people of my own State and with officers of labor organizations in my own State, show me beyond any peradventure of a doubt that the people who are in labor organizations in my State, and I believe the same is true everywhere, do recognize the very great difference and distinction between injunction suits under the Taft-Hartley Act or under the amendment now being offered and considered here, and injunction suits by employers in their individual suits against their employees.

It is not sought by this amendment to attempt to go back into the field of injunctions by the individual employer. When that subject matter was pending in 1947, prior to the passage of the Taft-Hartley Act, there was an amendment, which was opposed by the junior Senator from Florida, which proposed to give back to individual employers the right to sue for injunctions in Federal courts. That was my philosophy then. It is my philosophy now. But I distinguish, just as I am sure the labor people of the Nation distinguish, between the injunction as allowed by the Taft-Hartley Act and the injunctions which prevailed prior to 1932. I would not want to have the country back into that picture at all.

Notwithstanding that is my philosophy, notwithstanding I believe it to be the philosophy of most Members of the Senate, nevertheless, before leaving this point, I call the attention of the Senate to the fact that there are 27 States which have never followed the Norris-LaGuardia Act, and never have gotten away from the philosophy that even the individual employer is entitled to the use of the injunction. Of the 21 States which did abandon that philosophy, 6 have at least in part gone back to it in recent years.

Now, Mr. President, in regard to the question of the injunction, I wish to say that no matter how much we may argue and quibble about it there is no Senator, there is no member of the general public, who does not know that injunctions, as used under the Taft-Hartley Act, have operated to protect the public interest and to protect it in very outstanding ways in the 2 years of operation under that act. I shall not go at length into that field because I went into it at some length when I submitted our amend-

ment the other day, but I do again call the attention of Senators and the public to the fact that there were six injunctions issued under the Taft-Hartley Act, and that in each case but one—one of the maritime strikes—the settlements were made either during the time of the running of the injunctions or so shortly thereafter as to raise no serious question of public injury; and that there was only one case in which the use of the injunction was not ccupled with a settlement of the dispute during the period of the injunction or shortly and almost immediately thereafter.

But I remind the Senate that even if it had failed in every case to bring about the settlement, there is no question whatever that those six injunctions did operate to carry out the first principle and objective of the injunctions as embraced in the Taft-Hartley Act, in that they did effectively keep the wheels turning, keep production under way in the industries which were affected during the entire period of the injunction, with the single exception of the coal case in which there was a period of a few days during which the master mind in that case, John L. Lewis, thought he was bigger than the judicial system of the United States of America. He found out after one or two days that he was not bigger than our judicial system, and, as Senators will recall, yielded when he was subjected to contempt proceedings, and ordered resumption of operations, so that coal again began to be mined, and the public interest was protected.

So there is no doubt whatever that under those injunctions during the full time of their operation, except for those few days under the coal injunction, the public was protected by the continuance of operation of those vital industries, and thus the use of the injunction in this class of cases was not only justified but it showed effectively that it could accomplish, and did accomplish, the exact thing which it was primarily conceived to accomplish, that is, the protection of the public against the shut-downs in vital basic industries which, when they cease to operate, bring disaster and ruin throughout the Nation.

Mr. President, I come next to the third matter. I have talked of it briefly already, but I think it desirous to have a special point assigned to it. Not only did the injunction operate effectively throughout this period to keep industries going, with the exception of the few days mentioned in the coal case, but there is no showing whatever that it discouraged settlements, for, to the contrary, the facts as they appear in Mr. Ching's report, and as they appear in the record of the proceedings of the committee in this case, are, that settlements were made in five of the six cases, either while the injunction was pending or shortly thereafter. I think that point needs to be dwelt upon, because there have been Senators who in the course of this debate have stated upon the floor that labor will not obey these injunctions, that labor will not accept the exercise of the judicial power of the United States when it is directed to them in these vital national industries.

It has been stated also that even though they accept it they do so grudgingly, and that it discourages the making of the settlement which is so eminently desired. Mr. President, I call to your attention, and to the attention of Senators present, that the facts show that such has not been the result, as stated so frequently from the floor, because to the contrary, the facts are that there was not discouragement of settlements, in that in five instances out of six—and that is a pretty high average in anybody's league—the settlements were either made during the pendency of the injunction or made so very shortly thereafter as to impose no threat of great public damage, and no great public damage was suffered.

The fourth point I make is, that not only do the working people know that there is a distinction and a difference between injunctions as practiced under the Taft-Hartley Act and injunctions as practiced by private employers prior to the Norris-LaGuardia Act, but I dare say that the great majority of the laboring people of the Nation, outside of those in the basic industries, realize that injunctions operate to protect them, and to prevent them from suffering the serious damage which comes when there are shut-downs in the basic industries.

Mr. President, I am not talking merely on the basis of something I have gathered out of thin air or out of my imagination. I am talking, after having sat down and visited and discussed this matter with heads of local unions, with members of local unions, with members of railroad brotherhoods, and with others who realize that when there is a shut-down brought on by John L. Lewis in the great coal industry that they are hurt, that their ability to carry on, and their ability to provide for themselves and their families is affected for the worse, and that they would like to see that kind of possibility forever removed. I am just as sure as that I am standing here that there are at present throughout the Nation millions upon millions of workers who are relying upon the protection of this injunctive feature under the Taft-Hartley Act to keep them from having their livelihood snatched away from them by the shutting down of basic industries which affect them so seriously and so quickly.

Mr. President, in my brief talk the other day I mentioned that in the matter of a coal shut-down obviously the railroads have to apply embargoes, have to cut down the number of trains operated, and therefore the industries they serve are hurt. I call attention to the fact that in my own State it is proven that industries which produce perishables, such as vegetables and fruits, are hurt, and are hurt gravely. We have no storage places or no storage opportunities by which we can take care of those vegetables and fruits. When they are ready to be moved they must be moved. If a coal strike comes, as such strikes have come occasionally in the past, even during the time of war—if a coal strike comes at a time when there are vital food products in the fields in Florida, perishable products, such as vegetables and fruits, it is just too bad, because the motortrucks, which by the thousands carry our products into other parts of the Nation, are simply unable to carry the great burden of our production, and our people suffer, our producers suffer terribly, when that kind of thing comes about.

Mr. President, as I have said, the need for protection has been shown, and these injunctions have demonstrated their ability to protect the great mass of workers, including most of the workers of the United States, who are not employed in the basic industries, but are employed in the lesser industries which are shut down or very adversely affected shortly after there is a stoppage in one of the basic industries. There cannot be the slightest question about that. Every one of us knows that to be the case, and every one of us knows that there are literally millions of laboring people who realize that much more clearly than we do. Our salaries as United States Senators continue after a strike of that kind in a basic industry. The pay of the white-collar workers in Washington and elsewhere goes on. Many types of business are not immediately affected. However, the workers to whom I refer know that there will be a shut-down affecting the modest but fine American people who are engaged in work by which they earn their bread in thousands of industries which are not basic. They know that their pay rolls will be cut off, that they will be hurt, and that their wives and children will suffer. They do not want that to happen.

I think it is a completely unsound and false conclusion to say that the people of the United States who work with their hands for their daily bread do not have sense enough to know that they get more from this protection than does any other group in the United States. I happen to know, from many expressions which have come to me directly, that they appreciate that fact. They want to have this protection continued. They realize, long before the average white-collar worker or the workers in other groups throughout the Nation, that they are concerned in having this protection.

The next point I wish to make is that the working people know perfectly well—and this information comes to me from those active in labor organizations, and from officials as well—that there is involved a factor of great value to them as members of that great organization, organized labor, through which much good has been done for them and for their people, and through them to all the Nation. This value, which must be considered, involves the vital question of their retaining public good will. The workers realize perfectly well that their worst enemies have been John L. Lewis and Mr. Bridges. We hear such expressions wherever we go. We cannot go out into the corridors and talk with those who are here legitimately representing organized labor without hearing an expression from them that those two men have done them great harm, in the positions of leadership which they

hold, by reason of the loss of public good will which they have caused. I am glad that such legitimate representatives of organized labor are here. They ought to be here to give us their views. They naturally do not want such irresponsible and selfish leaders to continue to deprive them, as a great organized group, of the good will, sympathy, and understanding which mean a great deal to them, just as they mean a great deal to the Senate, or to any industry or any group of people anywhere.

Those who sponsor this type of legislation in the name of organized labor are inclined, I think, to discount the high intelligence, as well as the high patriotism, of organized labor. If they do a little checking, I believe they will find that there are many members of organized labor who realize that the good will of the people as a whole is an asset which they earnestly desire, and which they want to keep. They realize that in many instances that good will has been sacrificed, diminished, or even thrown away for a time, by the selfish and untimely acts and activities of some labor leaders who have not been willing to consider the public interest of the people throughout the Nation. We are here to protect that public interest.

I close on this point just as I started. I think we lose sight of the major objective which we are sworn to uphold in passing upon legislation of this type if we do not recognize that the first thing we should do is to try to protect the public against shut-downs in basic industries, which are so hurtful and which do such great damage and bring such great disaster when they fall upon the various far-flung communities of the country.

I mentioned Mr. Lewis and Mr. Bridges. I do not do so in a spirit of vindictiveness. I am saying what is known to every Senator. Every Senator who served as Governor of a State during the war had the same experience which I had, in receiving hundreds—and perhaps thousands, in the larger States—of letters from distressed mothers and fathers of servicemen who were overseas when John L. Lewis sold the Nation down the river and called out the miners during the war, at the time of the greatest crisis which we have faced. There is no way to get around that fact. We all know that it is so. We all know that there has been only one way by which that particular leader could be brought to realize that he was not bigger than the United States Government. That was by means of an injunction directed to him. After he had refused to obey it, he learned that there was such a thing as a contempt proceeding. Instead of putting him in jail, it was directed against the assets of those whom he represented, for whom he was trustee, but for whose interests he had much too little concern. Of course he was brought to law.

In the case of Bridges, I think we have a somewhat similar situation. I recall that the distinguished Senator from Oregon [Mr. MORSE] mentioned Mr. Bridges earlier in the debate this afternoon. I would not pretend to know as much about the case as he does. However, I noted with interest the editorial in the Washington Post which he mentioned. I thought it was a useful contribution at this time, calling our attention to the fact that a great, fine producing part of our Nation was literally being strangled to death.

It so happens that a few days ago I received a letter on this subject from a friend, a former Florida woman who now lives in Honolulu. I shall not weary the Senate by reading all of it. She and her family happen to belong to the white-collar group. The letter contains many things which are enlightening, and which show that we are permitting the respect of our people for their Government to wane and diminish during these months of profitless debate on this particular subject. I think I should read a portion of the letter. The entire letter may be seen by any Senator who wishes to see it. I shall read excerpts from it.

She first speaks of the longshoremen's strike which is in progress in Hawaii, and which was referred to by the Senator from Oregon, and mentioned in the Washington Post editorial, and then continues:

> The full significance of it (the strike) cannot be realized until you are face to face with the whole naked truth. And the whole truth, packed into a nutshell, is that the lifeline of 540,000 people is being throttled swiftly and surely, by a tiny longshoremen's union, with less than 2,000 members, less than 500 of whom are American citizens. Think of it. At the behest of one Harry Bridges, a small group like that can plunge our islands into despair and threaten our entire future in the Pacific. As yet, people are not starving, but it is simply a matter of time, unless Congress acts to control such strikes and puts teeth into its actions. Ships lie at anchor, food for Americans and their essential livestock and poultry rotting in the holds while hundreds of Honolulu housewives picket the strikers' picket lines. The spectacle of American women forced to beg for food from a gang of roustabouts is revolting and degrading. And while our Congressmen complacently swig a glass of pineapple juice at breakfast, American babies, white and brown alike are without milk because Harry Bridges says, "Leave the cans to rust on the ships," right in the shadow of the big pineapple atop the canneries on the Honolulu water front.

The letter contains numerous other statements of the same kind. I shall not attempt to read all the letter, but all that we hear about the situation there is sickening and disheartening. I think it is time for us to realize that we must deal firmly and effectively with such situations, and that if we do not, we shall be the ones who will be chargeable with undermining the foundations of the Republic, because the people of the Nation must learn that somehow it must have effective power to prevent a small group of its citizens from ruining others and from bringing business and labor to chaos and destruction.

I read a further statement contained in the letter:

> People on the mainland can have no idea of the desperation or they would demand action at once. Please do not misunderstand me—I am not antilabor.

I happen to know that she is not—she works for her living.

But she says:

> To me, labor means work—work for a livelihood; and I have worked hard all my life, so I am in complete sympathy with anyone who works for a living. And I believe in the great American tradition of freedom, but not freedom to deprive a great group of its lifeline, freedom to keep milk from babies, freedom to force closure of great food industries which provide work for thousands and food for millions more, freedom to starve poultry and cattle which depend on the mainland for food—freedom for a tiny minority to throttle a nation. We are not free. We are slaves to Harry Bridges and his ilk.

Mr. President, in connection with this debate and this particular bill, a great deal has been said about slave labor. I think it might be profitable for us to consider the statements made by this good woman, who has felt at first hand, and who sees her neighbors feeling at first hand, the throttling and destructive effect of the strike now occurring in Honolulu. In her letter she speaks of the fact that they themselves feel that they are slaves under the control of a ruthless labor leader.

I shall read an additional portion of her letter:

> I probably sound a bit harsh, but the situation does make one bitter. It is impossible to be here for long without absorbing some of the seething, impotent, rage of the thinking population of Hawaii. After viewing the effects of our miserable failure to provide legislation with teeth to prevent such a crisis, I must admit, however reluctantly, that I could not find it in my heart to blame them if they revolt. And I am sure that if you found yourself 2,500 miles from the mainland, on a tiny island, at the mercy of Harry Bridges, you would feel much as I do. These islands are so beautiful and so peaceful that it seems criminal to leave them defenseless against the monster of starvation that hovers over them.

I have read this much of the letter into the RECORD because I think it belongs there and because I believe the Senate should realize, when considering legislation of this sort, that it is dealing with a matter which already is operating right now, there in Hawaii, in such a way as virtually to destroy the opportunities for any sort of employment on the part of 540,000 people, and could affect their chances to live, as well as the continued existence of their cattle and poultry, and could bring all of them under abject submission to certain labor leaders. The writer of the letter tells us that less than 500 of the 2,000 members of that particular union are American citizens.

Mr. MORSE and Mr. NEELY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Florida yield; and if so, to whom.

Mr. HOLLAND. Mr. President, I decline to yield at the moment. I shall be glad to yield when I have concluded.

Mr. President, I am about to come to the next part of my remarks, namely, a discussion of seizure. So far as I am concerned, however, before leaving the subject of the injunction, I should like to say that I am perfectly willing to stand—and so are those who are with

me—upon the complete equity of an injunction provision which applies to both employees and employers and to only about one out of every thousand strikes in the United States, but relates to strikes in basic national industries which, when shut down, directly affect the health and safety of our people, and as to which the injunction can never be employed unless there is a finding, first, by the President of the United States that the welfare, health, peace, and safety of the Nation and its people are being adversely affected and threatened, and in such case an injunction can be granted only after application for an injunction is made to a court of the highest reputation, which must find affirmatively that under the circumstances a case has been made for the taking of action to prevent the national interest from being placed in jeopardy, and that the method proposed is the only way in which the public can be protected, as the dispute moves forward through the critical stages of the negotiations then pending.

Mr. President, I am willing to stand upon that position, and I am willing to to stand upon it in any labor meeting and before any labor group anywhere. I believe the laboring people of this country, outside of a few of the leaders in the basic industries, must realize that the essential good will of the Nation is at stake in this matter, and that we must find a way by which these essential industries can continue to operate; and that it is very greatly to their interest, from the standpoint of the continuation of good will toward them and the continuation of their jobs and incomes, that this power be granted.

I know that these matters have gone before the courts of the highest standing. That was referred to the other day on the floor of the Senate. When the Attorney General of the United States takes action, under the direction of the President, reluctantly and regretfully given because the President regards the situation as one involving disaster and as one calling for the use of the injunction, I cannot believe that the Attorney General would fail to go before a judge of the widest experience, and with the highest of reputation for sound judgment, which will give to the court's decision the highest standing throughout the Nation, if a decision is given. So I am perfectly willing to stand upon that, and I believe the other Members of the Senate are likewise willing to do so.

I believe the issue is just as it was in 1947, and that the question is whether we should be more tender in our regard for the less than 500 citizens in Hawaii—to use the Hawaiian situation as an example—or whether our decision should be based on our regard for the protection of the 540,000 American citizens in Hawaii, both old and young, men, women, and children, particularly the babies, both white and brown, as referred to in the letter from which I have quoted, who because of the strike now occurring there are deprived of the milk they need.

Mr. President, I come next to the question of seizure. I oppose seizure because I think it is a weakening factor; I think it is an un-American factor; I think it is an undemocratic factor. In my opinion, our experience with seizure is not such as to commend it to us for use in peacetime, particularly. I am perfectly willing to admit that in time of war a case can be made for seizure or for anything else that is needed to keep vital industries going. But in time of peace I am opposed to the use of seizure. Of course, the dropping of seizure is involved in the amendment which I, together with other Senators, have offered. Our amendment also involves continuing the use of the injunction.

I oppose seizure, and our amendment is so drawn as to exclude that provision of the so-called Taft amendment, which offers seizure as an alternative remedy or alternative tool for use in case of serious threat to the continued operation of vital national industries.

I should like to discuss some of my feelings in regard to seizure, merely so that the Senate may at least know what I am thinking about in connection with that matter.

I hope other Senators will agree that my reasoning is sound, and I hope they will feel that they should support similar reasoning and should join the great majority of the Senate which, in two votes already cast, has shown its unwillingness to adopt seizure in connection with the settlement of disputes in basic national industries.

First, I think seizure is not appropriate in time of peace. The fact that, after seizure is invoked, the same branch of the government which, long before it was invoked, decided that a national emergency existed, would thereafter become the administrative agency—if the court approved the invoking of seizure—handling the very branch of industry, the continued operation of which that branch of government itself has said is essential in order to protect the public interest, is a strong argument against the invoking of seizure. It seems to me it is hurtful to have the decision in such case made by the same agency which, at least in the eyes of some persons, then will profit by taking over the administration of such great national industries, with all the influence and the importance and values which flow from their administration.

However, my principal reason for opposing the inclusion of the seizure provision is that I think our history in connection with the operation of seizure as we have had it heretofore—and heretofore it has been used only in time of war or immediately following a war—has shown that seizure has been expensive, wasteful, promotes litigation in very great measure, and by no means, particularly in time of peace, brings about the kind of economical or democratic or American handling of such matters which we wish to have followed. I may say I agree with those who, upon the so-called liberal side of the aisle here, have strongly objected to seizure. I agree with their objection to seizure, and I think that they have not said enough about the unsuitability, the imperfection, the inadequacy, the inefficiency, and the expensive nature of seizure when applied to a field of this kind in time of peace.

Mr. President, I remember that my good friend, the distinguished junior Senator from Minnesota [Mr. HUMPHREY], appearing here on the floor last Friday, twice made statements to the general effect that the injunction and the use of the injunction was a sort of bonanza to the lawyers, that it would keep all the lawyers employed. I do not remember the exact words, but they are to be found by going back to the RECORD of the debate that day. Of course, the Senator thought he was correct in his statement, and, of course, he believed what he was saying. But I do not think the Senator had made any examination whatever of the operation of seizure. If he had, he would have been forced to exactly the opposite conclusion, because, Mr. President, and Senators, it is a matter of record and a matter of history in this Nation that seizures, instead of averting litigation, have brought on litigation literally by the thousands of cases. So far as the lawyers are concerned, if we were here pleading specially for them and for the creation of cases to carry them through any difficult time that might lie ahead, it would be seizure that we would want, because there would certainly be created a demand for countless lawyers in virtually countless cases, if seizure were invoked in many of the great national industries.

I shall refer rather briefly to several of the seizures which have taken place in the past, which I think tend to show rather clearly that seizure is not only uneconomical but it is litigious, that it produces unbounded litigation, and that instead of attaining a clearly desirable result, instead of being effective in protecting the public, it embarks us on a course which leads toward socialism, toward big-statism, and which certainly operates to bring enormous expenses upon the people, and particularly upon that branch of the Government which is required to handle the processes. Seizure is simply unending in its implications and meaning.

Mr. President, I first mention rather hurriedly the seizure and operation of the railroad systems in the First World War. I do not know whether all Senators know it, perhaps they do; I did not, until Saturday, when we checked it and found that the liquidation of that seizure is still going on, that Uncle Sam has not found it possible yet to close his office or to close his books upon the wartime operations of the railroads for 26 months during and immediately following World War I, so many years ago. I should like to read a short statement on that subject, because I wanted to reduce it to writing, to be sure that I would have the facts.

Our Government took possession and control of the railroads, as of January 1, 1918, and operated them until the Armistice, and for nearly 16 months thereafter, ending March 1, 1920, or for 26 months, in all. Formal reports were filed by the Director General of Railroads, generally

on an annual basis, through the year 1925—that is, from 1918 to 1925.

Beginning with 1926 the Secretary of the Treasury became ex officio Director General of Railroads, and annual reports have been filed by him since that date.

The volume of the business handled was so great that until the year 1938—mind you, Mr. President, from 1926 to 1938—the Secretary of the Treasury filed a separate report each year covering his services as the Director General of Railroads in the liquidation of the matters growing out of the control of the American transportation system during the 26 months in question. Beginning with 1938, the Secretary of the Treasury included in his general annual report the statement of his activities in liquidating the United States Railroad Administration. The last report of the Secretary of the Treasury covers the fiscal year ending June 30, 1948, and it contains, on pages 106 and 122, the report of the still uncompleted liquidation covering the wartime seizure and operation during the First World War. Judging from the report at that time of Mr. Secretary Snyder, the liquidation is now nearing completion, and we can begin to hope, Mr. President, 28 years after the time when the railroads were turned back to their owners, that we are approaching the time when final liquidation of our wartime experience with the railroads in World War I is in sight.

In order to give some indication of the immensity of the business matters involved in that operation, I want to quote briefly from the 1927 report of the then Secretary of the Treasury, Mr. Mellon, in which he lists the amount of incomplete litigation taken over by him on January 1, 1926. It was almost 6 years after the roads were turned back to the owners, when Mr. Mellon took over the business of completing the liquidation, on which date the liquidation was regarded as sufficiently complete, so that Mr. Davis, the last full-time Director General, was able to turn over the business for completion to the Secretary of the Treasury. As of January 1, 1926, almost 6 years after the roads were turned back to their owners, among the items which were still in litigation were the following—and I ask the Senators, the few who are present, to just follow these, to realize the magnitude of litigation which was still active in 1926.

First, 875 suits were still pending against the Director General, growing out of Minnesota forest fires, in which the amount claimed was $3,800,000.

Second, 3,154 other suits were pending against the Director General in which the amount claimed was $18,267,000, which did not include 43 further suits involving the short line railroads, which covered additional claims of $886,000.

Third, 1,551 suits were still pending against the American Railway Express Co., growing out of Federal control, and in these the amount claimed was $532,000.

Fourth, in addition to all the foregoing, on that same date there were pending 1,038 suits brought by the Director General himself for transportation charges amounting to $1,831,000.

Fifth, in addition to all these, the number of reparation and overcharge claims pending before the ICC on that date was 338, in which the amount claimed was $2,578,000.

To summarize, Mr. President, 6 years after the roads were turned back to their owners, there were still pending 6,956 litigated cases, involving well over $27,000,000. In addition to all the litigation which I have just mentioned as pending on January 1, 1926, the report of Secretary Mellon shows that on that date there were 3,393 claims of the Director General, on which suit had not yet been brought, amounting to $1,139,000.

None of the above items, more than 10,000 in number, except the claims totaling $886,000, involving 43 of the so-called short lines, which were still unsettled, were claims by the railroads themselves. The railroads, with the exception of those 43 short lines, had been paid full compensation for the seizure and operation of the properties by the Government during the 26 months of the operation. As to the short lines, seizure was only constructive as to them, and it only existed about 6 months. The Senate will recall that the total amount of these 43 claims of the short lines was inconsiderable as to the whole picture. In addition to all the above, we must remember, and I call particular attention to this, that the net loss to the Government as a result of the seizure and operation of the railroads, was in excess of $1,616,000,000, which figure is taken from page 621 of The Modern Railway, by Dr. Julius H. Parmelee.

Mr. President, here is a staggering thing. Back in the days when money meant a great deal more than it does now, here is the evidence reported by this research man; and it can be seen that it is justified by the reports of the Director General and of the Secretary of the Treasury since 1926. It is clear that our Nation, in those days when dollars were as big as cartwheels as compared with their value at this time, lost $1,616,000,000 because of the operation and seizure of the trunk lines which were actually seized and operated.

I invite attention to the fact that except for three very short seizures which were necessitated by labor trouble in the last war, when there was a vastly bigger job to do, our Government stayed as far away from seizure of railroads as the East is from the West, because it realized that here was a job which Government could not handle effectively and which had cost the Nation an immense amount, and there are many persons who think it cost the Nation great values in connection with reduced efficiency during the period of Government operation.

That is the first of the illustrations which I make of the kind of thing that happens when the National Government seizes and attempts to operate basic industries. I am quite willing to admit that we shall not find any seizure as large as that which I have cited. Yet, I invite the attention of the Senate to the fact that, in his reports as Secretary of the Interior, Mr. Krug states that the properties of more than 2,000 companies were seized.

In reference to the seizure of the coal mines during the recent war and following the war I invite attention to the fact that the seizure of that many different companies' properties—I do not know how many mines would be involved—and their operation by the Government involved an immense business transaction which certainly calls for all kinds of third-party claims, because coal has to be sold, elections have to be held, employees have to be protected; there are personal-injury claims, matters of employees' compensation, matters of the purchase and sale of property—all kinds of continuing business operations which must be handled on a magnitude which the Government, vast as it is, is not competent to handle in the same way in which the owners of the business would handle them.

Mr. President, I think it is fair to turn to the completely clear record of that disastrous experience in the first world war of the Government's handling of the railroads, both in connection with the tremendous size of the operation, its long duration, the great amount of personnel required through all the years, and the great expense entailed, and to call attention to the fact that there was an actual loss of more than $1,616,000,000 resulting to the Government from that incident.

In order that we may have at least a brief picture of the coal operation under seizure during the last war, I asked the Secretary of the Interior to furnish figures, and I have a letter from Mr. Dan H. Wheeler, of the Department of the Interior, dated June 27, 1949, in which he recapitulates the expenses of the Government in connection with the seizure and operation of the coal mines during the recent war.

There was one thing in our favor in those operations, from the standpoint of securing easy and early settlement, and that is referred to not only in the report of the Department of the Interior but in the report of the business executives who comment upon the matter, namely, that all of the operations at that time were profitable because there was great demand for and heavy use being made of the product, coal, and when the period of seizure was over the Government, in almost all instances, found the operators glad to receive their property back, to give a final receipt for it, and to receive in full settlement the earnings during the time of operation.

I invite the attention of the Senate to the fact that that sort of experience cannot be expected at a time when the market is going down, at a time when there is financial difficulty ahead of us, and at a time when industrial leaders are wondering what may or may not be ahead of us. I am calling attention to the fact that at least we did not have any difficulty in connection with coal mine seizures during the war, because practically no one questioned the power of the Government to seize as a war measure, and I have just said that practically all owners were glad to accept back their property and give final receipt in clearance upon receiving the profits which had accumulated during Government operation. But, notwithstanding that, Mr. President, the figures supplied by the Department of the Interior show

that $2,113,991 represents the expense of the agencies in the Department of the Interior that administered the seized coal mines during the time of seizure. I send forward the recapitulation, coming from the Department of the Interior at this time, for inclusion in the RECORD as a part of my remarks.

There being no objection, the recapitulation was ordered to be printed in the RECORD, as follows:

Recapitulation—Expenditures for administration of coal-mine seizures from May 1, 1943, through the fiscal year 1948

	Office of the Secretary	Bituminous Coal Division	Solid Fuels Administration	Coal Mines Administration	Total
1943	$10,402	$15,830	$15,400	----------	$41,632
1944	---------	1,937	73,586	$618,019	693,542
1945	---------	---------	95,179	339,896	435,075
1946	---------	---------	---------	121,642	121,642
1947	---------	---------	---------	678,000	678,000
1948	---------	---------	---------	144,100	144,100
Total	10,402	17,767	184,165	1,901,657	2,113,991

Mr. HOLLAND. I also invite attention to the fact that notwithstanding we were in the middle of the war, there were, nevertheless, a considerable number of cases in which the authority to seize was a question of how much authority there was by the seizor, the Government, to act for the actual owners. Those questions were of such importance and difficulty that they had to be submitted to the court. There is a list of 15 cases decided. I am not counting the cases still pending or cases decided in lower courts which were appealed. I am talking about 15 cases of final judgments during that period which represented the concern of the owners as to whether seizure could take place, or, after seizure had taken place, the concern of the owners as to how far the Government could go in acting for them, and what kind of transactions it was authorized to handle for them.

In time of peace, Mr. President, we would not have any such small number. We would not have the assurance of profitable operation. We would not have the incentive which existed during time of war, when the coal companies must be patriotic and must do their part. We could expect a flood of litigation the like of which we have never seen, except only in the case of the railroad seizure. I am as sure as that I am standing here that that is what we would have, with governmental seizure in time of peace, of any long duration, in the coal field.

I know perfectly well that the proposed legislation has to do with a seizure of only 60 days, but many times it has been stated, and we all realize, that as to any seizure not settled within 60 days the matter will come right back to the lap of Congress for further handling. I have been a Member of this body sufficiently long to know what the path of least resistance is and what we can expect as the path which will be followed in such a situation, because I am reasonably sure that in most cases, at least, we would pass a resolution extending the seizure until we could make further study of the situation. There would be extension upon extension—at least, that is possible, and I think it is reasonable to expect it—all the time with knowledge of the fact that seizures cannot operate effectively and efficiently, that they are expensive, and play right into the hands of those who desire a superstate and who want to nationalize and take over into public ownership and operation those industries whose continued operation means very much to all the people of the Nation.

So, Mr. President, I call attention to that factor in passing to the next point, which is that among the various seizures which took place during the war was the seizure of Montgomery Ward. All Senators will recall it, I am sure. I was not able to discover much about it except that in talking today to the Assistant Adjutant General who had the files reviewed, I was told by him that the Army has not yet closed its books on that operation, though it was completed in October 1945, amost 4 years ago. He tells me that there is still pending a workmen's compensation claim. I have learned from others that that is a death claim, growing out of the death of an employee by accident during the course of the Government operation, and that it also is still trying to straighten out refund checks of about thirty to forty thousand dollars, or to get those payments into the hands of those who really own them.

They have troublesome liquidation on their hands in connection with the seizure, which was not of such great sweep as to be comparable to the operation of the coal mines or the railroads, but is still unclosed almost 4 years from the date the Montgomery Ward establishment was seized. They still have important business transactions to work out before they can reach the end of the liquidation.

Mr. President, this illustrates the length of time and the enormous expense involved in any governmental seizure of business. I think it is safe to say that there is no business we would have to seize in connection with the pending bill which would not be much greater than that of the Montgomery Ward business, or that portion of it which was seized, because we are talking about industries which are of fundamental importance to the Nation and all its people.

I also asked that we be furnished some facts with reference to the motor lines seizures, which Senators will remember took place in the Midwest. I see present on the floor Senators from some States in which the motor lines were seized and operated by the Government because of labor troubles during the war period. I am unable to give the Senate any figures, but I can give some facts, namely, that 5 years after the time the motor lines were turned back, the matter has not yet been settled. The settlement got to be so lengthy in its discussion and so complicated in its details that last year the parties in interest brought the matter to Congress, and asked us to set up a special commission to look into the matter and make recommendations as to what settlements should be made with the 93 motor carriers in the Midwest who were seized and their properties operated by the Government as a part of the war effort.

That is another admission of the complete inability of Government to handle in a proper way businesses it takes over and to close them out quickly when it gets through with them, and of the unsatisfactory continuance of disputes and litigation as liquidation goes on endlessly for years and years. In this particular instance it went on so endlessly that finally Congress itself was called upon to establish, in its wisdom, a commission which I have already mentioned, to delve into the business, and find out what kind of compensation, if any, should be given the 93 carriers.

There are other things which I should like to say in connection with seizure, which I think brand it as not the kind of procedure we want. But I shall hasten to the next step which I have meant to discuss. Before I leave the other step, however, let me say that, so far as I am concerned, while I am against the inclusion of seizure, and am taking this move, and am honored to take it in conjunction with my distinguished colleagues who joined in the amendment, I regard the seizure provision as of far less importance than the injunctive procedure, and in the event we are not honored by the votes of a majority of the Senate so that we can at this time make sure that injunction is at least one of the remedies which shall be adopted and continued, I shall certainly vote, if I have the chance, for the dual remedies which are embraced in the so-called Taft amendment, including not only injunction but also seizure. I shall do that, if I have to, reluctantly, and with regret, and in the belief that the Congress will have taken a weaker course than that which is open to it, than that which is followed by it if it adopts the injunction and carries forward in the way which we have started in the last 2 years under the Taft-Hartley Act, a way which has proved helpful and effective, and for departure from which there is no real reason.

I would take that step in supporting the dual method through thinking we were sending one very small boy and one good strong man for the handling of these difficult disputes in basic industries, the seizure proceeding being the small and michievous boy, without the power and without the ability and without the historic background which show capacity effectively to deal with this subject matter, the injunction being, as it has proved itself to be, the strong man. I personally feel that those of us who supported it in 1947 have every reason to feel it has lived up to the high expectations we entertained for it, and that without it this Nation, when it was being called upon to give leadership and great help to others throughout the world, and to show that it could live up to the prestige it had attained, would have been less successful. Without the operation of this law, and without its availability to keep going the vital industries in the six cases where it has been used, it is my judgment we would not have been able to attain in any real degree the quite satisfactory performance, in the

field of international responsibility as well as the maintenance of our own national stability and solvency and our effective business record, that has been possible in the past 2 years.

I go next to the third point, which I think has not been discussed as yet in this debate, but which I think is important enough to require discussion, and I hope Senators will bear with me while I refer to it briefly.

I think it is particularly unwise, and will prove to be particularly harmful, especially from the administrative point of view, and also from the point of view of industrial peace in the whole Nation and its basic industries, and of those who are engaged in those industries, particularly, to have seizure and injunction both prescribed as alternative remedies to be used in this sort of cases. I call to the attention of the Senate the fact that in every such case which comes up for decision, the President in the first instance, the Attorney General throughout the course of his conduct of the case in court, and the presiding judge in the last instance, all are faced with the opportunity to choose between alternatives, to choose between these two remedies. I cannot think of any more perfect setting or any more generous invitation for the bringing of pressures the like of which we have rarely seen in this Nation and for the playing of politics on a grandiose scale such as has rarely been ventured upon.

It seems to me that if I were the Administrator, looking forward to the fact that I was going to have to administer this act, the one thing which I would not want, above all others, would be to be left in the position of choosing every time whether I should go this way toward injunction or that way toward seizure, and of having my special counsel who was handling the case always weighing the same question as he conducts the trial, as to which of the two alternatives should be followed; and then to have the judge who was passing on the matter confronted with the necessity of taking the course which he thought to be right and most effective—and in most cases that would be the injunctive course—or whether he would bow to pressure and bow to seizure as a sort of namby-pamby, stopgap procedure.

We have passed the time when these matters were decided in the cloistered courtrooms without the judge having a chance to know what was going on. I think we have gone much too far in the other direction. As I have read in the newspapers during the past few weeks about the demonstrations of picketing and insult and abuse going on just outside of the courtroom in New York, insulting to the court itself, our Nation, and everything that is being done in that courtroom, it has seemed to me we have gone much too far in the other direction.

However that may be, that is where we have gone, and no presiding justice in this kind of a case can be for a moment insulated and isolated from the immense amount of pressure which would be brought on him by a selected group of the public who would seek to make him believe they spoke for all the public, either of the community or of the whole Nation. If there ever was a set-up which in my humble judgment emphasized the bringing of pressure, emphasized the playing of politics, emphasized pressure being brought on the Executive, who is going to have to carry responsibility, emphasized the matter of attempting to force him to one decision of the two, it is the kind of set-up embraced in the suggestion before us.

I desire to call to the attention of the Presiding Officer and Members of the Senate that we would confront the administrative branch of the Government with the unfortunate situation of requiring him to make a decision which would assuredly lead to criticism and to contumely as to his objectives and motives, no matter how sound and clean and pure they might be, because he could not decide in favor of both sides of the controversy which would be going on from the moment each controversy began. He must decide either for injunction or for seizure. I cannot conceive of any more mischievous set-up or one more calculated to prolong into the weeks and months following the decision an atmosphere of criticism and of vindictiveness to which the officer who has made the decision based on what he believes to be right would be subjected. He would be visited with criticism and intemperate statements of one group or the other in these controversies.

Mr. President, I remind the Senate that we have already shown by our vote on the so-called Ives amendment how little we ourselves want to be visited with that kind of pressure. I call to the attention of Senators the fact that certainly it is implicit in our wholesale repudiation of the Ives amendment, that we by no manner of means want to have both sides to the controversy, after a short period of wishful thinking and pious prayer and of wrist slapping, coming back to Congress as the high court of equity to decide this question with the assurance that we must make one decision or the other, either requiring injunction or seizure, and that we are going to have ourselves pressured before we make the decision and criticized after we make it, regardless of what it might be.

But I call the attention of the Senate to the fact that here we would divide the responsibility 96 ways. Over in the House it would be divided 435 ways. Even that possibility, distributed and divided as the pressure would be, was, I am sure, a factor in the almost unanimous vote against the Ives amendment. I do not recall what the vote was, but my offhand recollection is that about a dozen or less of the Members of the Senate voted for the Senator's amendment. With all the high respect in which we hold the Senator from New York [Mr. IVES], and with all our inclination to be with him on anything kindly and considerate that he would suggest in this field, because he is known as one who has had much experience in it, nevertheless, the Senate was not willing to subject itself to that kind of pressure or that kind of situation in connection with each of these troublesome questions that has to be solved.

As we face this dual program of alternative methods, we are forcing the Executive, we are forcing the Department of Justice, and we are forcing the courts to go in even a greater way; because, while the President is making his decision, the pressure will be concentrated on him alone. It will be concentrated, while the Attorney General and his staff are trying the case, upon them alone. It will be concentrated when the time comes for it to make its decision, upon the court alone which makes the decision. And if the case goes to the appellate court, the pressure will be concentrated upon the first appellate court. Then if it is necessary for the case to go to the Supreme Court there is also the question of whether to go on this road or that road.

It seems to me that with all the troublesome factors which we have as a matter of necessity in this field, and it is a troublesome field, we should not add that additional difficult problem.

I note that the Senator from Ohio [Mr. TAFT] has come into the Senate Chamber. I want to say again that even if the Senators who join me in presenting the amendment and myself are not honored with the support of the majority of the Senate, and even if our amendment should fail to be adopted, we should still hope, if we are given the opportunity, to vote, of course, for the so-called Taft amendment, because there must be firmness and strength, there must be muscle and sinews and bones in any program we adopt. We must not adopt an impractical, ineffectual, toothless, powerless vehicle with which the Executive must attempt to solve these vital problems.

Mr. President, I am saying that before I close, because I want to make it crystal clear that, strongly as I feel that the inclusion of seizure in the program is unwise, nevertheless I feel much more strongly the necessity of leaving some strength in any program we provide and enact into law, and I shall support the strongest reasonable procedure I am given a chance to support, which I think is fair and equitable to all concerned.

I close with the note that the injunction is fair to all concerned, because it runs against either employees or employers and is hedged about with the necessity that the President and the Attorney General and the courts must all give their careful and conscientious consideration to it, that it must be found there is a national emergency, and that the public peace and health and safety are being adversely affected and threatened—it must be found that all those factors exist before this remedy can be applied in the effort to support and safeguard the vital public interest.

In my humble judgment we will have bypassed the heavy responsibility which lies—whether we want it to lie there or not—upon the mind and the conscience of every Member of the Senate and every Member of the House of Representatives, if we pass a weak and ineffective, though well-meaning law, which does not leave the Executive adequate power to keep in operation vital national industries.

I remind Senators again that only about one out of every thousand strikes

is affected by this measure; that the great majority of industries and the great majority of workers are not affected except helpfully by this measure.

I call attention to the fact that unless we pass such a measure, the great majority of the working people, along with the general public, are going to be living without any assurance whatever of the existence anywhere in the Nation of effective machinery and of efficient, available power to safeguard them in the continued performance of their jobs and their continuance in drawing their pay, and their continuance in ability to provide for their homes and their wives and families.

FEDERAL VERSUS STATE CONTROL OF LABOR-MANAGEMENT RELATIONS

Mr. MALONE. Mr. President, it is evident that a new approach to the entire problem of labor-management relations is necessary.

It is evident that the States must regain and exercise control of the detail labor-management problems under their police powers and that the Congress must realize that any attempt of the Federal Government to assume control of such relations hundreds of miles removed from Washington, D. C., cannot be successful. The States must regain control of their own business.

Mr. President, there have been 19 amendments offered to Senate bill 249—the Thomas labor-management bill—all the way from relatively minor amendments, to amendments providing for injunctions, seizures, and the taking over of industries.

It is apparent, and has been apparent to many of us for a long time, that it is impossible for the Congress of the United States, through one over-all act, to handle the labor-management situation.

In other words, it is a good deal like trying to pass a corporation act in a State, and put an antitrust law into the same act. In connection with Senate bill 249, all manner of provisions are included, and the more amendments the more we get involved and the worse the situation becomes, and every amendment which is offered mixes up the objectives, so that not only do we not understand it, but the courts themselves are shown to be doubtful of its meaning.

On July 26, 1947, I said, as appears in the CONGRESSIONAL RECORD:

> The Taft-Hartley labor legislation is wrong in principle. In the first place, the Federal Government should not be in the business of regulating either the employer or the employees beyond seeing that they obey the laws of the land as everybody else is required to do.
>
> The principle of the Wagner Act was wrong, in the first place, and the mere fact that we passed another act of a slightly different character on the same principle does not make it right. Under the principle of Federal board control the swing of the pendulum could continue to vibrate with the political philosophy and fortunes of the party in power for generations. It should be decided upon basic principles and then left alone.
>
> The Taft-Hartley Labor Act, together with the Wagner Act, should be repealed. There should be no Federal Government labor boards with authority to direct either the employer or the employees to do anything.
>
> In their place there should be enacted a simple statement of national policy which in effect would lay down the principle that:
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> * * * * * *
>
> Employees and employers alike shall have the right to self-organization, to form, to join, or assist organizations to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid and protection.
>
> The Federal Government could very well continue the principle of the Conciliation Board—having no authority whatsoever, except to cooperate with both parties to a dispute—and then only when invited to sit in—and perhaps to hold hearings and make public their findings. Any necessary authority should be vested in the States. They alone have the power to keep the peace.
>
> The maintenance of free collective bargaining and the integrity of contracts between employers and employees is the only solution for that age-old problem between the man who hires the work done and the man who works with his hands. And that should be the scope of the Government statutes.

To interpolate at that point before I finish reading the statement made at that time, the governor of a State is not going to send the National Guard in to settle a labor dispute, and the Federal Government is not going to send the United States Army in unless the blood is running down the middle of the street and the buildings begin to vibrate. We have all observed their actions under stress.

Mr. President, there is no police power in any city within the Union but the policeman on the corner. There is no power in the county but the sheriff and his deputies once we get outside the city limits.

As I have already said, the State government and the Federal Government are not going to enter into a labor dispute through the National Guard or the United States Army unless property is being destroyed and lives are being endangered.

We have had opportunity to observe what a Federal act does when it is placed on top of a local act. It is just as much against the law to hit a man over the head with a pick handle when he attempts to go through a picket line peaceably as it is to hit a Senator over the head with a pick handle as he goes out this door.

I have lived in mining camps and in railroad, industrial, and other labor areas. Just so long as the chief of police does not believe that the majority of the people of the town do want the policeman on the corner to see the main hit on the head, he will not see it.

But whenever public sentiment changes, and the chief believes that they want the policeman to see the man injured and do something about it, he will catch him before he hits the sidewalk and have the gang in jail within 5 minutes.

Public sentiment will finally settle a dispute in a community. But when we are 3,000 miles away from the scene of the work, no public sentiment can take over. We have a fine body of men here, but not one of us, unless he lives in Nevada, has any more idea of what a miner at work does in Ely, Nev., than a hog has about holy water. It is not their field and they have no machinery to find out about it. Therefore we are trying to pass on something about which we know very little or nothing. The National Labor Relations Board is in the same situation.

When we enact a law which provides that the National Labor Relations Board in Washington, D. C., shall settle every dispute in the country, hundreds of thousands of miles away, we are placing upon the National Labor Relations Board a duty which it is impossible for it to fulfill.

When they are put under the gun, there is only one way the decision would be made—and that is to figure out which way the political wind is currently blowing.

This subject will be a political issue for 50 years, or for so long as we insist upon setting up a National Labor Board which has arbitrary powers to rule labor-management relations hundreds of miles removed.

I should like to quote briefly from the debate which took place here a little more than 2 years ago. In the course of the debate on the Taft-Hartley bill, I said:

> Mr. President, the bill as now written outlaws the closed shop; that is, it makes it illegal for an employer or the employee to agree to or operate under, a closed-shop agreement. My amendment is intended to amend that part of the bill which provides for a union shop in lieu of the closed shop.

I had submitted an amendment, and we were debating the amendment.

> Under this amendment, it is provided that an employer shall be required to accept a union shop if three-fourths of the employees of such employer, entitled to vote in an election conducted by the National Labor Relations Board through a secret ballot, vote for such union shop. The legislation presently provides that to establish a union as a bargaining unit a majority of the employees entitled to vote must cast their vote for such union under the auspices of the National Labor Relations Board, and then, and only then, they may negotiate with the employer through collective bargaining for a union shop.
>
> In a union shop, as contrasted with a closed shop, the employer is entitled to hire anyone he chooses, whether he be a member of a union or not.
>
> For the purposes of this act, a "union shop" is defined as a shop where employees, as a condition of continued employment, are required to join within 30 days following the beginning of such employment the labor organization designated as the representative for collective bargaining of the employees, as provided in section 9 (a).
>
> As provided in the bill, the union may not prevent such employment, nor can it ask an employer to discharge such employee for any reason other than nonpayment of dues.

Further along in the same debate I said:

> If we go far enough to say to free people in America, including both employees and employers, "If you want a closed shop you cannot have it," I agree with the Senator that we should go one step further and provide a fair opportunity for a fair substitute in which necessary protection and collective bargaining power can be provided and preserved.

I point out to the able Senator (further quoting from the 1947 debate) that what he is doing is simply trading the closed shop for an opportunity to bargain for something which, from the employees' standpoint, never could be a satisfactory substitute. * * * But under the presently proposed legislation we simply provide that the employer may hire anyone he wishes to hire and could continuously feed nonunion employees into a plant and gradually get rid of union employees, such as when a union man quit his job, or there was reason for letting him go, the new employee would not need to join the union. In a very short time there would be no union. So I repeat what I said when I offered the amendment, that I will vote for any just regulations of unions and corporations alike, but I will not vote to destroy either.

After 15 years of struggling with national legislation setting up an arbitrary labor board in Washington to handle all labor-management relations throughout the United States, a considerable sector of public opinion has become convinced that it is impossible for such a board, hundreds of miles from the scene of labor being performed, to understand the situation well enough in each case to render a fair and unbiased decision.

Recent debates on the Thomas bill seem to bear out the conclusion that it is impossible to write a detailed national labor relations act all in one piece of legislation, which will cover every possible contingency throughout the Nation.

Nineteen amendments have been offered to the bill. It is apparent from the debate that even the United States Senate is unable to agree as to what the amendments mean. The amendments even go so far as to say that the President of the United States may take over any property which is involved in a strike situation which can be called a national emergency. We have learned that we can call very nearly anything a national emergency. We learned that we could call almost anything interstate commerce, under the decisions of the Supreme Court.

Some of us thought that interstate commerce was actual movement across State lines, but we found, through Supreme Court decisions, that this is not the case. So it is very easy to call any situation a national emergency if the Court says it is and take the property over.

One amendment provides that the President of the United States may take the property, but that he must come to Congress in each particular case, for a determination in individual cases as to how he shall take over the property, in what manner he must operate. That amendment was submitted by a man whom I greatly admire. I know that he understands labor relations. However, it was final proof to the junior Senator from Nevada of where such legislation is headed, and that if this Congress is to take care of every national emergency and pass a special act each time after listening to 3 or 4 weeks of debate, in addition to the month of debate 2 years ago on the very same question, the Congress must be organized a little differently, with a different caliber of men, men who are especially trained in the particular business on which we attempt to pass, but who perhaps would not be so well trained in the business of handling necessary general legislation for the Nation.

Mr. President, I am about to submit an amendment to the Thomas Senate bill 249, in effect a substitue for that proposal.

Generally speaking, the amendment provides that the Congress shall establish a policy under which both labor and management may organize for the purpose of bargaining. The amendment would repeal both the Taft-Hartley Act and the Wagner Act, but would retain the provisions for the Conciliation Board, which would have only full power to proceed, either on its own motion or by request, to hold hearings and make public its findings.

That provision is recommended because public sentiment is the only thing in the world that will make for settlements in such matters, Mr. President.

We have seen such difficulties develop, and we know that if a strike is wrong in principle, or if management is wrong, the parties advocating a wrong move or taking a wrong stand do not stand up very long in a given community, because, for instance, in the mining camps and other labor areas in Nevada—and I also speak from some observation in other States—the people of the community know the conditions under which the men are working, also the conditions which have been established by the corporations, companies, or individuals hiring the men.

Therefore, in the long run the dispute will be controlled by public sentiment. The people in my State know what a miner in Ely, Nev., is doing or what a worker in industries near Hoover Dam is doing.

They know the climate, the working conditions, the cost of food, etc. So when the workers strike, the people of the community and the people of the State know something about the situation in that connection and will not long tolerate actions not for the best interests of the community.

This amendment would go a step further, as I have said, and simply retain the Conciliation Board and repeal the two major acts here under discussion, and throw the matter back into the States, where it originated, and where the people understand what is occurring.

Several Supreme Court decisions have been referred to in the several days' debate, and I shall later refer to some of them. For the last year and a half all the decisions of the Supreme Court in such cases—for instance, in cases arising in the States of Nebraska and North Carolina—have been to the effect that State laws in relation to labor relations are constitutional, under the police power of the States, if the Congress of the United States has not laid down an express prohibition in the particular field. In other words, the States can take care of the matter if Congress will permit them to do so, and Congress should not be in the business of interfering in States' business.

Later in my remarks I shall refer to the labor laws in my own State of Nevada, so as to show that State labor relations were considered and dealt with long before the Congress took up the matter.

Of course, Mr. President, a great many persons profess to believe that there was no trouble in labor-management relations until the last 2 years, when the Congress passed the Taft-Hartley law. Others think that trouble in labor-management relations were initiated only in the last 15 years, since the enactment of the Wagner Act.

However, I say that disagreement between management and labor is a problem more than 2,000 years old. It was a problem that was old when the Pyramids were constructed by the use of laborers who were paid nothing and received nothing but food—and were not fed very well, so we understand.

I visited the Pyramids just last year and the details of construction handed down through the folklore of the Egyptian communities indicate the terrible conditions and strife existing at that time when human life was about the cheapest commodity in that nation.

So, Mr. President, it is obvious that there will never be an end to problems of labor-management relations.

The disagreements in such cases are over hours of labor, working conditions, and what the laborers are supposed to be paid for the work they do.

That situation will not change in the next 2,000 years, nor, as a matter of fact, at any time in the future.

Some who wish to have the rights of both management and labor protected seem to think that if by some ingenious method the problem can be removed to a place 3,000 miles away from where the work is done, that both of the parties to the dispute will win.

Mr. President, I now offer the amendment to the Thomas substitute and send it to the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. SCHOEPPEL in the chair). The amendment to the Thomas substitute will be read for the information of the Senate.

The legislative clerk read as follows:

Amendment intended to be proposed by Mr. MALONE to the amendment proposed by Mr. THOMAS of Utah to the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate or foreign commerce, and for other purposes, viz: Strike out all after line 2 on page 1 of the Thomas amendment, dated May 31, 1949, and insert in lieu thereof the following:

"The Labor Management Relations Act, 1947 (including the National Labor Relations Act, as amended, is hereby repealed.

"It is the policy of the United States that employees and employers alike shall have the right to self-organization, to form, join, or assist organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid and protection.

"SEC. 3. (a) There is hereby created an independent agency to be known as the Federal Conciliation Service (herein referred to as the 'Service'). The Service shall be under the direction of a Federal Conciliation Director (hereinafter referred to as the 'Director'), who shall be appointed by the President by and with the advice and consent of the Senate. The Director shall receive compensation at the rate of $12,000 per annum. The Director shall not engage in any other business, vocation, or employment.

"(b) The Director is authorized, subject to the civil-service laws, to appoint such clerical and other personnel as may be necessary for the execution of the functions of the Service, and shall fix their compensation in accordance with the Classification Act of 1923, as amended, and may, without regard to the provisions of the civil-service laws and the Classification Act of 1923, as amended, appoint and fix the compensation of such conciliators and mediators as may be necessary to carry out the functions of the Service. The Director is authorized to make expenditures for supplies, facilities, and services as he deems necessary. Such expenditures shall be allowed and paid upon presentation of itemized vouchers therefor approved by the Director or by any employee designated by him for that purpose.

"(c) The principal office of the Service shall be in the District of Columbia, but the Director may establish regional offices convenient to localities in which labor controversies are likely to arise. The Director may by order, subject to revocation at any time, delegate any authority and discretion conferred upon him by this act to any regional director, or other officer or employee of the Service. The Director may establish suitable procedures for cooperation with State and local mediation agencies. The Director shall make an annual report in writing to Congress at the end of the fiscal year. The Director and the Service shall not be subject in any way to the jurisdiction or authority of the Secretary of Labor or any official or division of the Department of Labor.

"(d) It shall be the duty of the Service, in order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, to assist parties to labor disputes in industries affecting commerce to settle such disputes through conciliation and mediation.

"(e) The Service may proffer its services in any labor dispute in any industry affecting commerce upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial interruption of commerce. The Director and the Service are directed to avoid attempting to mediate disputes which would have only a minor effect on interstate commerce if State or other conciliation services are available to the parties. Whenever the Service does proffer its services in any dispute, it shall be the duty of the Service promptly to put itself in communication with the parties and to use its best efforts, by mediation and conciliation, to bring them to agreement.

"(f) Final adjustment by a method agreed upon by the parties is hereby declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective-bargaining agreement. The Service is directed to make its conciliation and mediation services available in the settlement of such grievance disputes only as a last resort and in exceptional cases.

"SEC. 4. The Labor Management Relations Act, 1947 (including the National Labor Relations Act, as amended), is hereby repealed."

The PRESIDING OFFICER. The amendment to the Thomas substitute will lie on the table and be printed.

Mr. MALONE. Mr. President, I again submit that the whole question of labor-management relations needs a new approach. You cannot force a man to invest his money by law—and you cannot force him to work by law so as long as arbitrary authority rests in an all-powerful national labor board located in Washington, hundreds and thousands of miles removed from the work. Its decisions can only swing with the political winds.

It will always be a political issue and an election-year football in every election, with the division down the line as to what is believed at the time to be of political advantage to the particular voter.

Mr. President, I have heard here from time to time references to the Railway Labor Board as being an example we should follow. There is a considerable difference in the matter of how the Railway Labor Board applies to a semipublic business and how the arbitrary Labor Relations Board applies to private business.

A railroad is not a private business—I served for eight and one-half years on the Railroad Public Service Commission in the State of Nevada—in other words, railroads are regulated by State and national laws, and they are a regulated monopoly—and as such allowed to make a certain amount of return on their investment, which is determined by the Interstate Commerce Commission, through consideration of the principles laid down by Congress.

A railroad is a regulated monopoly, not a private business. Therefore when the Railway Labor Board is unable to settle a strike and is unable to settle the question of hours, rate of pay, or working conditions between the railroad labor unions and the management, the matter then comes to the Labor Relations Board, and if the Board is unable to settle the dispute, what happens?

Notice is then served that the railroads are going to be shut down at midnight, let us say, on Friday, or at some specified time. If it is midnight Friday, the President, about 11:30 Friday night, takes over the railroads and settles the strike without a definite understanding of the specific working conditions in each case.

That method may work, and it does work, in regulating labor-management relations under the Railway Labor Board, because, Mr. President, the railroad management then goes to the Interstate Commerce Commission for a raise in freight rates to cover the additional expense—however, private business cannot do that, they would merely be priced out of the market—it is just as simple as that.

It would, in the long run, result in every business being made a public utility or a semipublic business and completely controlled by the Government—which is exactly what we do not want. Labor is ruined whenever Government control is permanently established over business.

There has been deliberate harm done to the country in the last 15 years by convincing or trying to convince the people that there are definite answers to labor-relations problems. I am saying today, Mr. President, that there is no definite permanent answer to this 2,000-year-old problem. It is, of course, possible to get an approximate answer in each case, in each dispute. Therefore, Mr. President, we need an entirely new approach whereby the Federal Government does not try to settle everybody's business, regardless of how far he is removed from the seat of Government, or how little it can understand such problems—leave something for the States and communities where the problems are understood and their seriousness is appreciated.

Mr. President, probably not more than 10 percent of business enterprises are "liquid" at any one time; therefore, probably 90 percent, if subject to seizure by a Federal board, would be in the hands of a receiver within 60 days following beginning of operation by a Federal body with its usual disregard for operation and maintenance expenses—with a large number eventually in bankruptcy proceedings as a result of such seizure. Federal seizure of a private business would be an entirely different matter from seizing a "regulated monopoly" or semipublic utility.

I want to quote briefly from a work entitled "State Labor Relations Acts," by Killingsworth. Beginning on page 5, there are some very sensible remarks, it seems to me, and I think the Senate should have the advantage of having them in the RECORD for reference at this point:

Ultimately, all rights in a civilized society must be relative. As Justice Brandeis once said, "All rights are derived from the purposes of the society in which they exist: above all rights rises duty to the community." The community must define its purposes and basic policies; the rights of the individual or group are derived from those purposes and policies. The community must decide whether it is promotion of collective bargaining or some other policy that will best achieve the social order desired by the majority of the people in that community. That is the basic decision that must be made; detailed provisions of the labor laws must flow from that choice.

Now, Mr. President, quoting further from the work that I just named:

Not infrequently in the field of industrial relations, means have been mistaken for ends, and means consciously chosen have led to unexpected ends. It is most important, therefore, to discuss existing or proposed labor-relations measures in terms of the basic policies which they implement.

The ultimate judgment as to the desirability of a specific measure must depend on the nature of the policy which it furthers. One of the primary objectives of this study, therefore, is to show the relationship between means and ends—to interpret the detailed provisions of the labor-relations laws in terms of the basic policies for which they are appropriate.

He now lays down the policy which I have just described. He says:

Because the States have had actual experience in administering both types of policy, an analysis of that experience provides a solid foundation for the achievement of this objective.

Now, Mr. President, quoting further:

It has often been argued that limitations on union tactics and collective bargaining of the type imposed by some of the restrictive labor relations acts do nothing more than "equalize" the protective labor policy.

Careful examination of the intent and effect of some of those limitations shows that, in fact, they convert the protective policy into one basically different—a policy which, as already suggested, may be considered one of restricting organization and collective bargaining. This basic difference in public policy toward organization and collective bargaining has seldom been recognized and its full implications have not been thoroughly explored.

Too often discussions of labor relations legislation have floundered in a morass of conflicting "natural rights." The right to strike has been proclaimed by some to be a natural right; others have claimed the same status for the right to do business, the right to work, the right to decide whether or not to join a union, and other rights ad infinitum. Specific legislative proposals are supported or opposed on the ground that they implement or conflict with some natural right. Discussion on this basis soon bogs down in metaphysics or dissolves in the heat of emotion.

I think, Mr. President, that it is very well stated. That is what has happened here during the past 2 weeks.

To quote further:

More important, such discussion is superficial. To debate specific provisions in labor relations laws—like a prohibition of coercion from any source or an antidiscrimination clause—is to debate means, not ends. If the real conflict is over ends, the discussion of means is futile.

The author then quotes Brandeis, as I have already stated.

Mr. President, I have said that there recently have been several Supreme Court decisions which support State legislation under the police powers of the State, namely, the right of a State to legislate in the matter of labor-management relations under the police powers of the State.

I have had considerable experience, through being State engineer, railroad commissioner, and holding many other State positions, with problems involving the regulation of many phases of human activities under the State police powers. How did we go about it? We presented a bill to the legislature, under the police powers of the State. Many Senators on this floor have been governors. They know about the police power of a State—it is paramount.

The Supreme Court has made that principle plain. I am about to quote from one of the court's decisions to the effect that in the absence of specific legislation by the Congress of the United States to the contrary, the laws which may be passed by the States under their police powers in regulating labor-management relations are constitutional.

I quote briefly from a decision in the case of Lincoln Federal Labor Union No. 19129, American Federation of Labor et al. against Northwestern Iron & Metal Co. et al. This decision was handed down on January 3, 1949, so it will be seen that it is a recent decision.

Mr. Justice Black delivered the opinion of the Court, and I now read from his opinion:

Under employment practices in the United States, employers have sometimes limited work opportunities to members of unions, sometimes to nonunion members, and at other times have employed and kept their workers without regard to whether they were or were not members of a union. Employers are commanded to follow this latter employment practice in the States of North Carolina and Nebraska. A North Carolina statute and a Nebraska constitutional amendment provide that no person in those States shall be denied an opportunity to obtain or retain employment because he is or is not a member of a labor organization.

To enforce this policy North Carolina and Nebraska employers are also forbidden to enter into contracts or agreements obligating themselves to exclude persons from employment because they are or are not labor union members.

These State laws were given timely challenge in North Carolina and Nebraska courts on the ground that insofar as they attempt to protect nonunion members from discrimination, the laws are in violation of rights guaranteed employers, unions, and their members by the United States Constitution. The State laws were challenged as violations of the right of freedom of speech, of assembly, and of petition guaranteed unions and their members by "the first amendment and protected against invasion by the State under the fourteenth amendment." It was further contended that the State laws impaired the obligations of existing contracts in violation of article I, section 10 of the United States Constitution, and deprived the appellant unions and employers of equal protection and due process of law guaranteed against State invasion by the fourteenth amendment. All of these contentions were rejected by the State supreme courts and the cases are here on appeal under section 237 of the Judicial Code (28 U. S. C., sec. 344). The substantial identity of the questions raised in the two cases prompted us to set them for argument together, and for the same reason we now consider the cases in a single opinion.

First. It is contended that these State laws abridge the freedom of speech and the opportunities of unions and their members "peaceably to assemble and to petition the Government for a redress of grievances." Under the State policy adopted by these laws, employers must, other considerations being equal, give equal opportunities for remunerative work to union and nonunion members without discrimination against either. In order to achieve this objective of equal opportunity for the two groups, employers are forbidden to make contracts which would obligate them to hire or keep none but union members. Nothing in the language of the laws indicates a purpose to prohibit speech, assembly, or petition. Precisely what these State laws do is to forbid employers acting alone or in concert with labor organizations deliberately to restrict employment to none but union members.

It is difficult to see how enforcement of this State policy could infringe the freedom of speech of anyone or deny to anyone the right to assemble or to petition for a redress of grievances. And appellants do not contend that the laws expressly forbid the full exercise of those rights by unions or union members. Their contention is that these State laws indirectly infringe their constitutional rights of speech, assembly, and petition. While the basis of this contenton is not entirely clear, it seems to rest on this line of reasoning: The right of unions and union members to demand that no nonunion members work along with union members is "indispensable to the right of self-organization and the association of workers into unions"; without a right of union members to refuse to work with nonunion members there are "no means of eliminating the competition of the nonunion worker"; since, the reasoning continues, a "closed shop is indispensable to achievement of sufficient union membership to put unions and employers on a full equality for collective bargaining, a closed shop is consequently an indispensable concomitant" of "the right of employees to assemble into and associate together through labor organizations." Justification for such an expansive construction of the right to speak, assemble, and petition is then rested in part on appellant's assertion "that the right of a nonunionist to work is in no way equivalent to or the parallel of the right to work as a union member; that there exists no constitutional right to work as a nonunionist, on the one hand, while the right to maintain employment free from discrimination because of union membership is constitutionally protected."

Mr. President, I will not quote further from this decision because it is available to all.

Further, Mr. President, I wish to invite attention to the fact that of the 48 States of the Union, in no two are conditions alike. The status of development and economics cannot be alike in any two States of the Nation. Three thousand miles from here, in California, Oregon, Washington, Nevada, Utah, and in the intermountain country, conditions differ as much as it is possible for them to differ from other sections of the United States. There is a difference between the Southern States and the Northern States. T ere is a great difference in the degree of industrialization, and while the South is becoming more industrialized, both the South and the West have a long way to go. The only way that these problems can be met is for the States to meet the problems peculiar to their areas as they arise.

When we try to solve a problem in the Congress of the United States we may be right for one State or more States, but we merely complicate it for the remainder. It is like averaging the length of a lot of pairs of pants; the result does not fit anybody.

I wish to quote from the hearings before the Committee on Labor and Public Welfare, part 3, February 8, 9, and 10, 1949—quoting the reference to the laws governing labor-management relations in the State of Nevada:

1. The State has no comparable labor relations act.

2. "Yellow-dog contracts:"

(a) Section 10473 (Compiled Laws of 1929, as amended).

(1) Makes unlawful entry into agreement whereby as condition of employment any person promises to become or not become, or continue to be, a member of a labor organization.

(2) The L. M. R. A. contains no similar provision but section 8 (a) (1) and (3) prohibits such contracts.

3. Right to organize and bargain:

(a) Section 2825.31 (Compiled Laws, etc.).

(1) Grants workers for the purposes of collective bargaining or other mutual aid (a) full freedom of association, self-organization, and (b) designation of representatives of their own choosing, and (c) freedom from interference, restraint, or coercion of employees.

(2) Section 7 of the L. M. R. A. inter alia contains (a) (1) (a) above and provides that "Employees shall have the right of self-organization, to form, join, or assist labor organizations to bargain collectively through representatives of their own choosing."

Section 9 (a) of the L. M. R. A. inter alia contains the equivalent to (a) (1) (b) above but provides that the representatives shall be selected by the majority of employees in an appropriate unit.

Section 8 (a) of the L. M. R. A. inter alia contains (a) (1) (c) above and provides that "It shall be an unfair labor practice for an employer (1) to interfere with, restrain, or coerce employees in the exercise of rights guaranteed in section 7."

(b) Section 2825.32 (Compiled Laws, etc.).

(1) Makes it unlawful to deny the representative of an adversary the right (a) to be present at hearings concerned with labor conditions of represented employees, and (b) to present the views, contentions, and demands of the parties.

I shall not attempt to read the entire matter, brief though it is; but will ask that all references be included at this point:

(2) Section 8 (a) (5) of the L. M. R. A. makes it an unfair labor practice to refuse to bargain collectively with the representatives of his employees. The proviso to section 9 (a) grants to individual employees the right to present grievances to the employer and to have them adjusted without intervention of the bargaining representative, provided that the bargaining representative has been given an opportunity to be present.

4. Closed shop and union security limitations.

(a) Section 10473 (Compiled Laws, etc.).

(1) Unlawful for an employing organization to enter into an agreement whereby any of its employees, or future employees, as a condition of employment shall promise or agree negatively or positively to become or continue a member of a labor organization.

(2) The L. M. R. A. contains no similar provision, but section 8 (a) (3) prohibits such contracts.

5. Penalties.

(a) Section 10474 (Compiled Laws, etc.).

(1) Provides fines, or imprisonment, or both, for violators of the yellow dog and closed shop statutes.

(2) The L. M. R. A. contains no similar provision. However, section 10 empowers the Board to prevent unfair labor practices by cease-and-desist orders, and by affirmative action including reinstatement of an employee with or without back pay as more fully stated therein.

6. Strikes.

(a) Section 2788 (Compiled Laws, etc.).

(1) Notice of strike shall not be issued unless signed by three citizens of the State.

(2) The L. M. R. A. contains no similar provision.

7. Sabotage and other forms of destruction.

(a) Section 10271 (Compiled Laws, etc.).

(1) Willful breach of employment contract endangering human life or exposing valuable property to destruction is a misdemeanor.

(2) The L. M. R. A. contains no similar provision.

8. Use of militia.

(a) Section 7140 (Compiled Laws, etc.).

(1) Forbids use of militia during labor disputes.

(2) The L. M. R. A. contains no similar provision.

9. Peaceful assembly.

(a) Section 10482 (Compiled Laws, etc.).

(1) Forbids restriction or prohibition of peaceful assembly by employees.

(2) The L. M. R. A. contains no similar provision but section 8 (a) (1) forbids such acts by employers.

10. There are no laws regulating labor unions.

11. There are no anti-injunction laws.

15. Interference with employee political activities.

(a) Sections 10602–10604 (Compiled Laws, etc.).

(1) Unlawful for any employer to pass any rule or regulation preventing or prohibiting employees' political activities or running for public office. Punishable by fine.

(2) The L. M. R. A. contains no similar provision. However, section 304 (declared unconstitutional in part by the Supreme Court) prohibits expenditures of funds by labor organizations for political activities.

16. Continuance of operations during arbitration.

(a) Section 2768 (Compiled Laws, etc.).

(1) During arbitration of a labor dispute, no employee party thereto shall be discharged, except for cause. Nor shall any labor organization representing employees, nor the employees, call aid, or write in, a strike against the employer. These obligations continue for 3 months after the award except on 30 days' written notice. Reduction of working force for business reasons not forbidden.

(2) The L. M. R. A. contains no similar provision except that section 8 (d) (4) prohibits during the life of a collective-bargaining agreement, strikes or lock-outs during the cooling-off period. Further, discharge of an employee under the above circumstances would be protected by section 8 (a) (1) and (3).

17. Company stores.

(a) Section 2768 (Compiled Laws, etc.).

(1) Unlawful for any employer to compel his employees by unlawful means to purchase at a particular store or board at a particular place.

(2) The L. M. R. A. contains no similar provisions.

18. Discharge on detective's report.

(a) Section 2770 (Compiled Laws, etc.).

(1) No employee shall be discharged without a hearing on the report of a "spotter."

(2) The L. M. R. A. contains no similar provision.

19. Mediation and arbitration.

(a) It is not compulsory.

(b) Section 510 (Compiled Laws, etc.).

(1) Written arbitration agreement is enforceable and may not be revoked without consent.

(2) The L. M. R. A. contains no such provision but section 8 (d) provides that collective-bargaining agreements may not be revoked or terminated without 60 days' notice; offer to bargain; 30 days notice to the Federal Mediation and Conciliation Service; and no lock-out or strikes during the said 60 days.

(2) Yellow-dog contracts: (a) Section 10473, Revised Laws of 1912.

(3) Right to organize and bargain:

(a) Section 2825.31, approved March 29, 1937.

(b) Section 2825.32, approved March 29, 1937.

(4) Closed shop and union security:

(a) Section 10473, Revised Law of 1912.

(b) Penalties section 10474, Revised Laws of 1912.

(6) Strikes: (a) Section 2788, approved March 17, 1923.

The Clayton Act, passed in 1914, in its section 20, provided procedural safeguards in the issuance of injunctions, and sought also to give unions exemptions from the antitrust clause. However, it was not until 1932, with the passage of the Norris-LaGuardia Act, that unions obtained full exemption from the antitrust clause, and almost complete immunity in injunction and labor disputes. We would thus have a situation where the Federal courts, as a practical matter, would be forbidden from using the injunction in labor disputes. Neither of these acts, however, has any application in State courts, and the use of injunction would depend entirely upon the status of the law in the respective States.

Mr. President, the particular point I am making in this connection is that the people of each State know their industrial status, they know their agricultural status, they know their mining status, they know what the people of their State are doing and the conditions under which they are working.

When the legislature meets it represents every section of the State. Every precinct of the State, every county in the State, is represented by a State senator and an assemblyman, or whatever the designation might be. Therefore all the people are represented in the State legislature and they have some reasonable chance of knowing the conditions under which labor and management are operating.

The State legislature knows how to deal with labor-management questions in its particular area. But for various reasons, political or whatever they may be, the Congress seems to want to remove the source of disputes, hundreds of miles, in some cases 3,000 miles away from the work itself, and by doing this both labor and management seem to be under some kind of hallucination that each is going to win in any current controversy.

Mr. President, we know from experience that neither labor nor management can win under such conditions. It becomes and remains a political issue just so long as the Labor Relations Board remains to hand down arbitrary decisions and so long as we insist upon an overall law to settle every labor-management dispute in every mining camp and every industrial area and every agricultural area in the United States without regard to local conditions. Just so long as we insist upon retaining such a board its complexion will change with the political winds—and the merits of any controversy will be lost in the political shuffle.

If the State law should provide for an injunctive process, for example, in mass picketing, the injunction could be obtained in the State court, with the usual appeal to the supreme court of the State, with the usual rules of procedure applicable if an attempt were made to go to the Supreme Court of the United States. Then it becomes a matter of the constitutionality of the law the legislature has passed. The remedy is not to bring each individual quarrel to the Congress. That, to my mind, is the ultimate in futility.

We finally get to the point where each individual dispute could be called a national emergency. We learned from the Supreme Court what constituted intrastate and interstate commerce; we learned that interstate commerce is what the Supreme Court says it is regardless. I dare say, we would finally have one Congress to do the business of the country and another one to settle labor disputes.

Byrnes Antistrikebreaking Act, the Clayton Act, and the LaGuardia Act, heretofore described, are examples of protective union legislation. The only other Federal law of this type is the Antistrikebreaking Act passed in 1936, Eighteenth United States Code 407A. It forbids the transportation of strikebreakers in interstate commerce. This law would still be applicable.

NEW YORK—LABOR-MANAGEMENT LAWS

Mr. President, I ask that the provisions of the State labor laws of New York, Illinois, and Wisconsin, widely scattered as they are in the United States, be included in the RECORD at this point as a part of my remarks as examples of how a State can handle its labor-management problems under its own police power.

The PRESIDING OFFICER. Is there objection?

There being no objection, the matters were ordered to be printed in the RECORD, as follows:

NEW YORK

(References are to the consolidated laws of New York, as amended and supplemented, unless otherwise indicated)

I. RESPONSIBILITY OF LABOR UNIONS AND UNION OFFICERS AND MEMBERS FOR UNLAWFUL ACTS

New York: Chapter 477, section 2, laws of 1935, relieves from civil and criminal liability any organization, its officers and members, for the unlawful acts of other individual officers, members, or agents except upon proof of actual authorization of such unlawful acts or their ratification by the organization after actual knowledge that such unlawful acts had been committed.

Taft-Hartley Act: Section 2 (13), title I, provides that in determining whether any person is acting as an agent of a labor union, among others, so as to make such union responsible for his acts, the question of whether the acts were actually authorized or subsequently ratified shall not be controlling.

II. "YELLOW-DOG CONTRACTS"

New York: Chapter 6, section 17, as added by chapter 11, Laws of 1935, makes void agreements whereby the employee promises to join a company union, or the employer or employee promises to withdraw from or not to join a union or an employers' organization as a condition of the employment relationship.

Chapter 40, section 531, makes it a misdemeanor for an employer to coerce anyone to agree not to join a union as a condition of getting or holding a job.

State Labor Relations Act, chapter 443, laws of 1937, section 703, gives employees the rights of self-organization and of forming and joining labor unions. (See also New York Constitution, art. I, sec. 17, for similar guaranty.) Section 704, paragraph 3, makes it an unfair labor practice for an employer to dominate, interfere with, or contribute support to labor unions. Section 704, paragraph 4, makes it an unfair labor practice for an employer to require an employee or applicant for employment, as a condition of employment, to join a company union or to refrain from joining or forming a union of his own choosing. Section 704 paragraph 5, makes it an unfair labor practice for an employer to encourage membership in a company union or to discourage membership in a labor union by discrimination in hire or tenure of employees, and section 704, paragraph 10, makes it an unfair labor practice for employers to interfere with, restrain, or coerce employees in their right to join unions.

Taft-Hartley Act: Section 8 (a) (1), title I, makes it an unfair labor practice for an employer to restrain, coerce, or interfere with employees in their right to join a union.

Section 8 (a) (3), title I, makes it an unfair labor practice for an employer to discriminate against employees and applicants for employment because of membership in labor unions.

Section 8 (a) (2), title I, makes it an unfair labor practice for an employer to dominate or interfere with or contribute support to any labor organization.

III. STRIKES AGAINST THE PUBLIC WELFARE

New York: Chapter 40, section 1910, makes it a misdemeanor to break a contract of employment knowing or having cause to believe that the probable result will be to endanger life, cause bodily injury, or expose property to destruction or serious injury. This provision has been held applicable to certain strikes tending to have the results enumerated above.

Taft-Hartley Act: Sections 206–210, title II, authorize the Federal courts to grant temporary injunctions (effective for not more than 80 days) to the Attorney General against actual or threatened strikes and lockouts which will imperil the national health or safety.

IV. DISCRIMINATION BY LABOR ORGANIZATIONS

New York: Chapter 6, section 43, as added by chapter 9, section 1, laws of 1940, and as amended by chapter 292, section 5, laws of 1945, forbids labor unions to deny membership or equal treatment of members because of race, creed, color, or national origin.

The State's Fair Employment Practice Act, chapter 18, Consolidated Laws, incorporated in the executive law, chapter 23, Laws of 1909 by chapter 118, Laws of 1945, section 131, makes it an unlawful employment practice for a labor union to discriminate in any way against employees, employers, or its members because of race, creed, color, or national origin.

Taft-Hartley Act contains no comparable provision.

NEW YORK STATE LABOR RELATIONS ACT (CH. 443, LAWS OF 1937, AS AMENDED BY CHS. 4, 126, 569, 634, 689, 750, 773, LAWS OF 1940; CHS. 210, 518, LAWS OF 1942; CH. 138, LAWS OF 1945; CH. 463, LAWS OF 1946) COMPARED WITH THE TAFT-HARTLEY ACT, TITLE I, UNLESS OTHERWISE INDICATED

1. FINDINGS AND POLICY

New York: Section 700 makes findings substantially similar to those contained in section 1 of the old Wagner Act by declaring the necessity for granting employees actual liberty of contract and equality of bargaining power with employers, and for encouraging collective bargaining as a means of lessening industrial strife inimical to the public safety, health, and welfare.

Taft-Hartley Act: Section 1 declares that industrial peace can be best promoted if employers, employees, and labor unions respect each others' legitimate rights, and if they recognize that the public interest is paramount.

Section 1, title I is substantially similar to section 700 of the State law, supra, except that its object is to prevent industrial strife in industries affecting interstate commerce, and that it finds that such strife is due not only to denial by employers of the right of their employees to organize freely, but also to certain undesirable practices of labor unions.

2. DEFINITIONS

A. Employer

New York: Section 701, paragraph 1, includes all employers except labor unions unless acting as an employer.

Taft-Hartley Act: Section 2 (a) excludes the United States, Federal agencies and corporations, Federal Reserve banks, States or political subdivisions thereof, nonprofit hospitals, persons subject to the Railway Labor Act, and labor unions unless acting as an employer.

B. Employees

New York: Section 701, paragraph 3, is substantially the same as Taft-Hartley section 2 (3), except that it specifically excludes temporary strikebreakers but does not specifically exclude independent contractors, supervisors, and employers of employees subject to the Railway Labor Act.

C. Company unions

New York: Section 701, paragraph 6, defines same as a labor organization initiated, created, or suggested by the employer or in whose administration or operations the employer participates, or which receives financial or other support from the employer.

Taft-Hartley Act does not define the term.

3. ORGANIZATION OF THE BOARD

New York: Section 702 is substantially similar to sections 3–6, Taft-Hartley Act, except that there is no separation of the prosecuting and decision-making machinery, no prohibition on the employment of attorneys for the purpose of reviewing transcripts of hearings or preparing drafts of opinions, and no prohibitions on the review of trial examiners' reports or on consultation by trial examiners with the Board.

4. RIGHTS OF EMPLOYEES

New York: Section 703 grants employees the rights of self-organization, to form, join, or assist labor unions, to bargain collectively through their freely chosen representatives and to engage in concerted activities for mutual aid or protection.

Taft-Hartley Act: Section 7 grants employees the same rights but, in addition, it grants them the right to refrain from any of these activities.

5. UNFAIR LABOR PRACTICES BY EMPLOYERS

New York: Section 704 forbids employers to engage in the following unfair-labor practices:

1. Spying upon the activities of employees or their representatives in the exercise of their rights of self-organization, collective bargaining and concerted activities.

2 and 9. Utilizing the "blacklist" for the purpose of preventing individuals from getting or holding employment because of their union affiliation or activities.

(Taft-Hartley Act does not specifically forbid practices 1, 2, and 9, but sections 8 (a) (1) and (3) have the same effect by making it an unfair-labor practice for an employer to interfere with, restrain, or coerce employees in their union activities and to discriminate with respect to hire or tenure of employment against employees because of union membership or activities.)

3. Assisting or dominating labor unions. [Substantially the same as Taft-Hartley, sec. 8 (a) (2).]

4 and 5. Requiring employees or applicants for employment to join a company union or to refrain from joining any union, and encouraging membership in any company union or discouraging membership in any labor union in regard to hire or tenure of employment. However, collective agreements with unions which are the exclusive representatives of the employees in an appropriate unit, may require union membership as a condition of employment, i. e., the closed shop.

(Taft-Hartley Act, sec. 8 (a) (2), makes it an unfair labor practice for an employer to assist or dominate a labor union, and sec. 8 (a) (3), to discriminate in regard to hire or tenure of employment by encouraging or discouraging membership in any labor union. However, employers may enter into collective agreements with the recognized exclusive bargaining representatives of employees requiring all employees, as a condition of continued employment, to join the union within 30 days, provided a majority of the employees in the unit have voted in a Board-conducted election to authorize such an agreement. Furthermore, no employer may justify discrimination against any employee for nonmembership in a union if the employer has reasonable grounds for believing that such nonmembership was the result either of discrimination by the union or some other reason other than failure to pay the required dues or initiation fees.)

6. Refusing to bargain collectively with the exclusive bargaining representative of the employees, which is identical with section 8 (a) (5) of Taft-Hartley.

7. Refusing to discuss grievances with the exclusive bargaining representative. Taft-Hartley has no comparable provision.

8. To discriminate against any employee who has initiated proceedings under the act or testified thereunder, which is identical in substance with section 8 (a) (4), Taft-Hartley.

10. Doing any acts, other than those enumerated above, which interfere with the

rights granted employees by this act. This is substantially the same as section 8 (a) (1), Taft-Hartley.

REPRESENTATIVES AND ELECTIONS

1. New York: Section 705 provides that the exclusive bargaining representative shall be the free choice of the majority of employees in an appropriate unit, that employees shall have the right, individually, to present grievances, and that the Board shall decide whether the appropriate unit is the employer unit, multiple-employer unit, craft unit, plant unit, or any other unit, except that a majority of employees in a particular craft may choose a craft unit.

(Taft-Hartley Act, sec. 9, is the same, except that employees may have grievances individually adjusted so long as not inconsistent with the collective agreement and the bargaining representative has an opportunity to be present, that professional employees may not be included in a unit unless a majority of them vote for inclusion, that craft workers may not be included solely on the basis of previous inclusion unless a majority so votes, that no unit is appropriate if it includes guards with nonguards, and no labor union shall be certified as bargaining representative of guards if such union admits nonguards or is affiliated with organizations admitting nonguards.)

2. New York: Section 705, paragraph 3, is similar to section 9 in the old Wagner Act. It provides that when an employee or union files a certification petition, the Board shall investigate, and if a question of representation exists, the Board shall provide for a hearing on due notice, conduct a secret ballot either before or after such hearing, and certify the bargaining representative selected. The Board is specifically prohibited from conducting a representation proceeding involving disputes between members of the same union or between unions affiliated with the same parent organization.

(Taft-Hartley Act, sec. 9 (c), authorizes such petitions to be filed by employers as well, limits elections to one in 12 months, and does not permit prehearing elections.)

3. New York: Section 705, paragraph 4, authorizes the Board to decide who are eligible to vote, and prohibits voting by temporary employees hired for the duration of a strike or lock-out.

Taft-Hartley Act, section 9 (c) (3), deprives of voting eligibility strikers who are not entitled to reinstatement. There are no other statutory limitations on the Board's power to determine voting eligibility.

4. New York: Section 705, paragraph 5, provides for run-off elections between the two nominees for exclusive representative who receive the largest number of votes where no nominee receives a majority.

Taft-Hartley Act, section 9 (c) (3), provides for a run-off election between the two choices receiving the largest number of votes even if one choice is "no union."

5. New York: Section 705, paragraph 6, authorizes the board to exclude from the ballot any organization found by the board to be company assisted or dominated in the course of the investigation of the question concerning representation.

Taft-Hartley Act contains no similar provision.

PREVENTION OF UNFAIR LABOR PRACTICES

New York: Section 706, authorizes the board to prevent employer unfair labor practices. It is substantially similar to section 10 of the Taft-Hartley Act except that it contains no time on the filing of charges, no requirement of service of a copy of the charge on the employer, no recommendation that the customary rules of evidence be adhered to, and no prohibition against reinstatement and back pay of an employee discharged for cause.

JUDICIAL REVIEW

New York: Section 707 authorizes the board to petition the State Supreme Court to enforce its orders. It is substantially similar to section 10 of the Taft-Hartley Act except that it makes the board's finding conclusive if supported by substantial evidence, rather than supported by substantial evidence "on the record considered as a whole" as required by Taft-Hartley Act.

INVESTIGATORY POWERS

New York: Section 708 gives the board wide powers to investigate, subpena of witnesses, documents, etc., and is substantially similar to section 11 of the Taft-Hartley Act.

NEW YORK—INDEX TO STATUTORY CITATIONS

The sections of the Consolidated Laws of New York, set forth in the preceding pages, were enacted or amended on the dates indicated below:

I. Responsibility of labor unions, etc.: Chapter 477, section 2 enacted in 1935.

II. "Yellow-dog contracts": Chapter 6, section 17 enacted in 1935. Chapter 40, section 531 enacted in 1887. State Labor Relations Act enacted in 1937 (see infra).

III. Strikes against the public welfare: Chapter 40, section 1910 enacted in 1881.

IV. Discrimination by labor organization: Chapter 6, section 43 enacted in 1940; amended in 1945. Fair Employment Practice Act, chapter 18, section 131, enacted in 1945.

NEW YORK STATE LABOR RELATIONS ACT, CHAPTER 443

1. Findings and policy, section 700 enacted in 1937, amended in 1940.

2. Definitions, section 701 enacted in 1937.

3. Organization of the board, section 702 enacted in 1937, amended in 1940, 1945.

4. Rights of employees, section 703 enacted in 1937, amended in 1940.

5. Unfair labor practices by employers, section 704 enacted in 1937.

Representatives and elections: Section 705 enacted in 1937, amended in 1942.

Prevention of unfair labor practices: Section 706 enacted in 1937.

Judicial review: Section 707 enacted in 1937, amended in 1942.

Investigatory powers: Section 708 enacted in 1937.

ILLINOIS—LABOR-MANAGEMENT LAWS

(References are to the Illinois State Bar Statutes unless otherwise indicated)

1. Illinois has no separate labor relations act similar to the NLRA.

2. "Yellow dog" contract void:

(a) Chapter 48, section 2b, makes agreements between an employer and employee or prospective employee against public policy and void if either party promises not to belong to an employer or labor organization.

(b) Sections 8 (a) (1) and (3) and 8 (b) (1) (B) make such promises unfair labor practices.

3. Interference with employment:

(a) Chapter 38, section 376, makes it unlawful for two or more persons to combine for the purpose of preventing by threats or any unlawful means any person from being employed by the owner or possessor of property on such terms as the parties concerned may agree upon.

(b) There is no similar provision in the NLRA. However, it is an unfair labor practice under section 8 (a) (1) for an employer to interfere with, restrain, or coerce and under 8 (b) (1) for a labor organization to restrain or coerce, employees in the exercise of their right, under section 7, to self-organization, to form, join, or assist labor organizations and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection or to refrain from any or all such activities.

4. Intimidation of workmen:

(a) Chapter 38, section 377, provides a fine for any person who by threat, intimidation, or unlawful interference seeks to prevent any other person from working or from obtaining work at any lawful business on any terms that he may see fit.

(b) There is no similar provision in the NLRA. However, it is an unfair labor practice under section 8 (a) (1) for an employer to interfere with, restrain, or coerce and under 8 (b) (1) for a labor organization to restrain or coerce, employees in the exercise of their right, under section 7, to self-organization, to form, join, or assist labor organizations and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection or to refrain from any or all such activities.

5. Entering premises to intimidate:

(a) Chapter 38, section 378, makes it unlawful for any person to enter the building or premises of another with intent by means of threats, intimidation, or riotous or other unlawful doings, to cause an employee therein to leave his employment.

(b) There is no similar provision in the NLRA. However, section 8 (b) (1) makes it an unfair labor practice for a labor organization to restrain or coerce an employee in the exercise of the right, guaranteed in section 7, to self-organization, to form, join, or assist labor organizations for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all of such activities.

6. Extortion in the name of employees:

(a) Chapter 38, sections 242, 243, 244, makes it unlawful for any person representing any organization of workmen to extort, demand, accept, or obtain from an employer money or other property as a consideration for withholding or terminating any demand or controversy relating to the employment of workmen or handling delivery, or use of materials. Chapter 38, section 246, makes violations punishable by imprisonment from 1 to 5 years.

(b) Section 302 (b) NLRA makes it unlawful for any representative of employees in any industry affecting commerce to receive or accept, or to agree to receive or accept, from the employer of such employees any money or other thing of value. Section 302 (d) makes violations a misdemeanor punishable by fine of not more than $10,000 or imprisonment for 1 year, or both.

7. Injunctions prohibited in labor disputes:

(a) Chapter 48, section 2a, prohibits restraining orders or injunctions in any case growing out of a labor dispute concerning terms or conditions of employment, or from terminating any relation of employment, or from peaceably recommending others to do so; or from peaceably being upon any public street to obtain information, or to persuade others to work or abstain from working, or to employ or discharge peaceably any party to a labor dispute.

(b) NLRA does not contain a prohibition similar to the above.

Sections of the Illinois Bar statutes cited in the preceding pages were enacted as follows:

2. Yellow-dog contract void: (a) Chapter 48, section 2b; section 1 of the laws of 1933.

3. Interference with employment: (a) Chapter 38, section 376, division 1, section 158, Revised Statutes 1874.

4. Intimidation of workmen: (a) Chapter 38, section 377, division 1, section 159, Revised Statutes 1874.

5. Entering premises to intimidate: (a) Chapter 38, section 378, division 1, section 160, Revised Statutes 1874.

6. Extortion in name of employees: (a) Chapter 38, sections 242, 243, 244; sections 1, 2 and 3, laws of 1921.

7. Injunctions prohibited in labor disputes: (a) Chapter 48, section 2a, section 1, laws of 1925.

WISCONSIN—LABOR-MANAGEMENT LAWS

(Chapter III enacted in 1939 and amended in 1947 is designated the Employment Peace Act [1])

SECTION 111.01. POLICY

It is the policy of the State to protect and promote three major interests: The rights of the public, the employee, and the employer. Industrial peace, regular and adequate income for the employees and uninterrupted production of goods and services promote these interests and these depend upon the maintenance of fair, friendly and mutually satisfactory employment relations and the availability of adjustment machinery. Certain employers, including farmers, etc., face special problems with regard to perishable commodities and seasonal production. Rights of disputants, however, should not intrude, in the conduct of their controversy, into primary rights of third parties to earn a livelihood, transact business, etc., free from interference or coercion. Negotiation of terms and conditions of work should result from voluntary agreement between employer and employees and for this purpose employees have the right of association and collective bargaining without intimidation or coercion. The State's policy is also to establish standards of fair conduct in employment relations and to provide a convenient, expeditious, and impartial tribunal for adjudications of respective rights and obligations.

As compared with this stated policy, section 1 of the Federal statute finds that denial of right to organize and refusal to bargain collectively by some employers leads to strikes and industrial strife. This burdens commerce. Inequality of bargaining power between employees without freedom of association of actual liberty of contract and well-organized employers burdens commerce and aggravates business depressions. Protection of right to organize and bargain collectively safeguards commerce. The acts of some labor organizations by strikes and industrial unrest burden or obstruct commerce and impair public interest therein.

The policy is to eliminate the causes of obstructions and the obstructions to commerce by encouraging collective bargaining and protecting the right of association and designation of representatives for negotiation of terms and conditions of employment or other mutual aid or protection.

SECTION 111.02. DEFINITIONS

"Person" is defined as in section 2 of the Federal statute, except "labor organization" is not specified, and includes every recognized legal entity

"Employer" is defined to include all who engage services of an employee and any person acting on behalf of an employer within the scope of his authority, express or implied, but excludes the State and its subdivisions and labor organizations and their agents unless employers in fact. The Federal statute section 2 omits the first definition of the State statute. It includes anyone acting as an agent of an employer, directly or indirectly and excludes Federal and State Governments and their agencies, nonprofit hospitals, persons subject to the Railway Labor Act and labor organizations and their agents unless employers in fact.

"Employee" as in section 2 of the Federal statute includes all who work for hire (limited, of course, to those in the State) except executives and supervisors, domestics, children or spouses of employers, and employees subject to the Railway Labor Act. It does not exclude agricultural workers like the Federal statute. It includes those out of work because of a current labor dispute or unfair labor practice of the employer, unless (1) he has refused or failed to work after a competent tribunal acceptable to the employee has disposed of the dispute or charge of unfair labor practice, (2) he has been found to have committed or to have been a party to an unfair labor practice, (3) he has obtained regular and substantially equivalent work elsewhere, (4) he has been absent from his employment for a substantial period of time during which reasonable expectancy of settlement has ceased (except by employer's unlawful refusal to bargain) and his place has been filled by a permanent worker not a strikebreaker. The Federal statute has a similar inclusion but contains only the third exception.

"Representative" includes any person the employee has chosen to represent him while the Federal statute specifies any individual or labor organization.

"Collective bargaining" is negotiation in good faith between an employer and a majority of his employees in a collective-bargaining unit or their representatives concerning representation or terms and conditions of employment. In the Federal statute the term is defined in section 8 (d) only for the purposes of that section as performance of the mutual obligation of the employer and the employees' representative to bargain in good faith with respect to wages, hours, and other terms and conditions of employment or negotiate an agreement or question thereunder or to execute a written contract if either party requests it. Neither party, however, is compelled to agree to a proposal or make a concession.

"Collective bargaining unit" means all the employees of an employer within the State unless a majority of them in a single craft, division, department, or plant vote by secret ballot to constitute a separate unit or unless the Board with the agreement of all parties affected thereby finds the unit to be an industry, trade, or business of several employers in an association in any geographical area. Several units may bargain collectively through one representative if a majority of each unit vote by secret ballot to do so. There appears no definition of collective bargaining unit in the Federal statute but in section 9, which deals with representatives and elections, subsection (d) authorizes the Board to decide whether the appropriate unit shall be the employer, craft, plant unit, or subdivision of plant unit. The unit may include both professional and nonprofessional employees only if a majority of the professionals so vote and may not include guards. The Board may not decide the unit is inappropriate because previously a different unit has been established by it.

"Labor dispute" means controversy between an employer and the majority of his employees in a collective bargaining unit concerning the right process or details of collective bargaining or designation of a representative. Organizations with which the employer and the majority of employees are affiliated may be considered parties. Section 2 of the Federal statute defines the term at greater length but to the same effect except that it does not limit the parties to a majority of employees nor to those who have employer-employee relationship.

All-union agreement is one between an employer and an employee representative whereby all employees in the unit are required to be members of a single labor organization. This definition of a closed shop does not appear in the Federal statute nor is a closed shop permitted although under section 8 (3) upon the fulfillment of stated conditions an agreement may be made that membership in the union after 30 days from the beginning of employment shall be required.

Election means employees in a bargaining unit casting secret ballot for representative or for other purpose under the statute and includes elections conducted by the Board and by any tribunal of competent jurisdiction or whose jurisdiction the parties accept. No such definition appears in the Federal statute. Section 9, however, provides full machinery for elections which are conducted only by the Board and are by secret ballot.

"Secondary boycott" includes combining or conspiring to cause or threaten injury to one with whom no labor dispute exists, whether by withholding patronage, labor, or other beneficial business intercourse, by picketing, refusing to handle, etc., particular materials, or by any other unlawful means in order to force him into a concerted plan to coerce or damage another. "Jurisdictional strike" means one growing out of a dispute between employees or employee representatives as to the appropriate unit for collective bargaining or as to which is to act as representative or as to whether employees represented by one or the other representative are entitled to perform particular work. Neither of these definitions appear in the Federal statute. Section 8 (b) (4), however, makes it an unfair labor practice for a union to engage in or induce or encourage employees to engage in a strike or concerted refusal to handle, etc., goods or perform services for four named objects, the first of which is forcing or requiring any employer to cease dealing, etc., in products of another producer or to cease doing business with any other person, and the fourth of which is forcing or requiring any employer to assign particular work to employees in one union, trade, craft, or class rather than to those in another unless the employer is not conforming to a board order.

SECTION 111.03

This section creates the board.

SECTION 111.04. RIGHTS OF EMPLOYEES

This section defines the right of employees to organize, to join unions, to bargain collectively through their chosen representatives and to engage in concerted activities as well as to refrain from doing so in the same terms as section 1 of the Federal Statute. Section 1, however, limits the right to refrain to the extent that agreement requiring union membership as a condition of employment is authorized.

SECTION 111.05. REPRESENTATIVES AND ELECTIONS

The first paragraph like section 9 (a) of the Federal statute provides for the selection of exclusive bargaining representatives subject to the right of individuals or groups to present grievances to the employer. In the latter case the State statute as contrasted with the Federal statute permits these individuals or groups to choose a representative for the purpose and the right is not limited as in the Federal statute to the adjustment being consistent with the collective-bargaining agreement then in effect and to the right of the collective-bargaining agent to be present.

The second paragraph provides for a secret ballot to determine the collective bargaining unit. In section 9 (b) the Federal statute leaves this to the determination of the board.

The third paragraph defines the method of selecting exclusive bargaining representatives. The Board is empowered to exclude from the ballot anyone who at the time of the election has been deprived of his rights because of an unfair labor practice. The

[1] *La Crosse Telephone Corp.* v. *Wisconsin Employment Relations Board*, U. S. S. Ct. January 17, 1949, holds that the Wisconsin board is without jurisdiction of representation proceedings involving employees whose employer is engaged in interstate commerce in an industry over which the National Labor Relations Board has consistently exercised jurisdiction, regardless of the fact that the National Labor Relations Board has taken no action with regard to these employees or this employer.

ballot must permit a vote for no representation. Subject only to court review (as provided in sec. 111.07) the Board's certification of the result is made conclusive. In general the method of election is similar to the method in section 9 (c) of the Federal statute but the Federal statute contains no provision for eleminating from the ballot one who has been found to have committed an unfair labor practice nor does it permit a vote for no representation except where a petition is filed asserting that a recognized or certified representative no longer is the choice of the majority.

The fourth paragraph provides for run-off elections, which eliminate from the ballot the representative receiving the fewest votes or of a vote for no representation if that received the fewest votes. The run-off provided in section 9 (b) (e) of the Federal statute is between the two receiving the largest and second largest number of votes.

The last paragraph provides that the question of representation may be raised by petition of employer, employee, or representatives of either. This is similar to section 9 (e) of the Federal statute.

The paragraph further provides that the fact that one election has been held shall not prevent holding another if the Board finds sufficient reason exists. Section 9 (c) (3) of the Federal statute prohibits more than one valid election per year.

SECTION 111.06. UNFAIR LABOR PRACTICES

(1) As to employers it is an unfair labor practice individually or in concert with others.

(a) To interfere with, restrain, or coerce his employees in the exercise of their rights in section 111.04. This is the same as section 8 (a) (1) of the Federal statute.

(b) To dominate or interfere with the formation or administration of a union or contribute support except that the employer may reimburse employees for time spent conferring with him and may cooperate with a representation chosen by a majority of employees by permitting use of company facilities and premises if the use creates no additional employer expense. This subsection is similar to section 8 (a) (2) of the Federal statute in its prohibitions but the exception in the Federal statute is only that the employer may permit conference during working hours without loss of pay.

(c) To encourage or discourage union membership by discrimination with the exception that an employer may make an all-union agreement if two-thirds of the voting employees and at least a majority of the unit so vote. The authority to make the agreement continues until either party to the agreement requests a new vote. The Board then investigates and if it finds there may be a change of attitude conducts a new referendum. A vote for the continuance continues the authority and a vote against terminates the authority at the termination of the contract or at the end of 1 year whichever is earliest. The Board must declare the agreement terminated whenever upon request of any interested party it finds that the union has unreasonably refused membership to an employee. The Board is prohibited from entertaining an employer's petition for a referendum where he has or is negotiating a contract with a duly constituted bargaining representative unless he has agreed with the union that he will make an all-union contract if the referendum shows employee approval.

The portion of the subsection providing against encouragement or discouragement of unionization is similar to that section 8 (a) (3) of the Federal statute. The exception in that section, however, permits only an agreement requiring as a condition of employment membership in the union after 30 days following the beginning of employment or effective date of the agreement whichever is later. The agreement may be made only with the exclusive bargaining representative, as certified, for the unit involved and only if a majority of those eligible to vote have so authorized in an election which, under section 9 (e), may be held only on petition alleging that 30 percent or more of the employees in the unit desire the agreement and only if no question of representation exists.

(d) To refuse to bargain collectively with a majority of his employees in a unit except, where the employer has filed a representation petition, he is not deemed to refuse to bargain until the Board has certified the results of an election. This subsection is similar in purport to section 8 (a) (5) of the Federal statute.

(e) To bargain collectively with representatives of less than a majority of his employees in a unit or to enter into an all-union agreement except as provided. This provision does not appear in the Federal statute but the acts would constitute unfair labor practices under section 8 (a) (1) and 8 (a) (2).

(f) To violate the terms of a collective-bargaining agreement (including an agreement to accept an arbitration award. There is no such provision in the Federal statute.

(g) To refuse or fail to recognize or accept as conclusive the final determination of any issue as to employment relations by a tribunal of competent jurisdiction or whose jurisdiction the employer accepted. There is no such provision in the Federal statute.

(h) To discharge or otherwise discriminate against an employee because he has filed charges or given information or testimony in good faith under the statute. Section 8 (a) (4) of the Federal statute is to the same general effect except that the word "information" is omitted as is the requirement of good faith.

(i) To deduct union dues or assessments from an employee's earnings except under order signed by the employee and terminable annually on 30 days' notice. This is not an unfair labor practice under the Federal statute but, by section 302, it is made unlawful for an employer to pay or any employee representative to receive money or other valuable things. One exception to this prohibition is money deducted from wages in payment of membership dues in a union if the employer has an employee's written assignment irrevocable for not more than a year or beyond the termination date of the collective agreement, whichever occurs sooner.

(j) To employ any person to spy upon employees or their representatives respecting their exercise of any rights under the statute. This provision does not appear in the Federal statute but under some circumstances it would be an unfair labor practice under section 8 (a) (1).

(k) To make, circulate, or cause to be circulated a blacklist. This is not specified in the Federal statute but it would be unfair labor practice under section 8 (a) (1).

(l) To commit any crime or misdemeanor in connection with any controversy as to employment relations. There is no such provision in the Federal statute.

(2) As to employees, it is an unfair labor practice individually or in concert with others to do 11 stated acts. The Federal statute has no provisions relating to unfair labor practices by employees.

(3) It is an unfair labor practice for any person to do or cause to be done on behalf of employers or employees or in connection with any controversy as to employment relations any act prohibited by subsections (1), "employers," and (2), "employees." Since this provision would affect labor organizations and their agents, the prohibitions of subsection (2) are compared here with unfair labor practices of unions in section 8 (b) of the Federal statute.

(a) To coerce or intimidate an employee in enjoyment of his rights or to intimidate his family, picket his domicile, or injure the person or property of an employee or his family. Section 8 (b) (1) of the Federal statute proscribes restraining or coercing an employee, but does not contain reference to family or property. That section reserves the union's right to prescribe its own rules with respect to membership.

(b) To coerce, intimidate, or induce an employer to interfere with employees in enjoyment of their rights or to engage in any unfair labor practice with regard to them. Section 8 (b) (2) of the Federal statute proscribes causing or attempting to cause an employer to discriminate against an employee, to encourage or discourage union membership, or against an employee whose membership in the union has been denied or terminated on some ground other than failure to tender regular dues and initiation fee.

(c) To violate the terms of a collective-bargaining agreement (including an agreement to accept an arbitration award). There is no such provision in the Federal statute.

(d) To refuse or fail to recognize or accept as conclusive the final determination of any issue as to employment relations by a tribunal of competent jurisdiction or whose jurisdiction the employee or their representatives accepted. There is no such provision in the Federal statute.

(e) To cooperate in engaging in, promoting or inducing picketing (except constitutionally guaranteed free speech), boycotting or any other overt concomitant of a strike unless the majority in a bargaining unit of an employer against whom the acts are primarily directed have voted to strike by secret ballot. There is no such provision in the Federal statute although under section 8 (b) (4) such acts would be an unfair labor practice if they induced or encouraged employees of an employer to strike or refuse to handle goods or perform services where an object of the strike or refusal is to force or require an employer or self-employed person to join a union or employer organization or an employer to cease dealing in the products of or doing business with another; to recognize a union unless it has been certified; to recognize a union if another has been certified; or to assign particular work to a particular union, craft, or class rather than to another except under Board order.

(f) To hinder or prevent by mass picketing, threats, intimidation, force, or coercion the pursuit of lawful work or to obstruct or interfere with entrance to or egress from a place of employment, or to obstruct or interfere with free and uninterrupted use of roads, streets, highways, railways, airports, or other ways of travel or conveyance. There is no such provision in the Federal statute, but under some circumstances the acts would be an unfair labor practice under section 8 (b).

(g) To engage in a secondary boycott; to hinder or prevent by threats, intimidation, force, coercion, or sabotage, the obtaining, use, or disposition of materials, equipment, or services, or to combine or conspire to do so. Sympathetic strikes in support of those in similar occupations working for other employers in the same craft are permitted. The secondary boycott has been compared with section 8 (b) (4) of the Federal statute under "Definitions." The other provisions do not appear in the Federal statute, but under some circumstances the acts would be unfair labor practices under section 8 (b).

(h) To take unauthorized possession of property of the employer or to engage in concerted effort to interfere with production except by leaving the premises in an orderly manner to strike. There is no such provision in the Federal statute, but the acts

would be an unfair labor practice under section 8 (b) (2) or (4) under some circumstances.

(i) To fail to give notice of intention to strike provided in section 111.11 (this provides that employees in production, harvesting, or initial processing of dairy or farm products where a strike would tend to cause destruction or serious deterioration of the product must give the board 10 days' notice of intention to strike). There is no such provision in the Federal statute.

(j) To commit any crime or misdemeanor in connection with any controversy as to employment relations. There is no such provision in the Federal statute.

(k) To engage in, promote or induce a jurisdictional strike. The comparison of this provision with that of section 8 (b) (4) of the Federal statute has been discussed under "Definitions."

SECTION 111.07. PROCEDURES

The procedures relating to the filing of charges, the hearings before the board or hearing commissioner, the issuance of orders by the board and review and enforcement by courts as substantially the same as those provided in the Federal statute with one exception. In addition to the remedies which may be contained in board orders under the Federal statute, the State statute provides that the order may suspend the rights, immunities, privileges, or remedies granted by the statute as respect any party complained of. (Note that this includes omission from the ballot refer section 111.05, "Representatives and election," and from the definition of employee—out of employment—in "Definitions.")

SECTION 111.08. FINANCIAL REPORTS TO EMPLOYEES

Every employee bargaining representative is required to submit annually to each member a detailed written financial report and the Board may order compliance.

Under section 8 (f) of the Federal statute the Board is prohibited from investigating representation questions, entertaining union-shop petitions or issuing complaints in behalf of a union which has failed to submit to its members a financial report similar to that required by the State statute. The Board, however, may not order the submission of such report.

SECTION 111.09. BOARD REGULATIONS

As in the Federal statute the Board is empowered to issue procedural regulations.

SECTION 111.10. ARBITRATION

On petition of the parties the Board is authorized to arbitrate a labor dispute or appoint disinterested persons as arbitrators. The Federal statute contains no such provision.

SECTION 111.11. MEDIATION

On request or on its own initiative the Board may appoint a mediator in any labor dispute. The mediator, however, has no power of compulsion. The section also provides for strike notices in disputes regarding agricultural industries as discussed previously under section 111.06 (3) "unfair labor practice." The Federal statute in section 4 forbids the appointment of mediators by the Board. Title III, however, provides for the Federal Mediation and Conciliation Service directed toward the same purpose of peaceful settlement. The Service is to avoid attempts at mediation of disputes having only a minor effect on commerce.

SECTION 111.12. DUTIES OF ATTORNEY GENERAL

The Attorney General is directed to act for the Board upon request. The Federal statue sections 3 and 4 permits the Board to appoint attorneys to represent it in court and the Board has delegated this authority to the general counsel.

SECTION 111.13

This provides for the appointment by the Board of an advisory committee. There is no such provision in the Federal statute.

SECTION 111.14

Penalties are provided for interference with the Board or its agents in the performance of their duties. Section 12 of the Federal statute provides penalties for similar acts.

SECTION 111.15

This provides that the statute shall not be construed to interfere with right to strike or to work or to invade the right to freedom of speech. Section 13 of the Federal statute reserves the right to strike and section 8 (c) provides that expression of views shall not be evidence of unfair labor practice if they contain no threat of reprisal or force or promise of benefit.

SECTION 111.16

Validates existing agreements. Section 102 of the Federal statute provides that no act shall be an unfair labor practice if performed under an existing agreement or under one entered into prior to the effective date, if for a period not exceeding a year, provided the act would not have been an unfair labor practice under the prior statute.

SECTIONS 111.17 THROUGH 111.19

These are technical legal provisions.

SUBCHAPTER III

This chapter provides at length for conciliation and arbitration of labor disputes involving public utilities. It makes unlawful strikes, slow-downs, work stoppages, and lock-outs in these industries as well as the inducement, encouragement or conspiracy to engage in strikes, slow-downs, work stoppages, or lock-outs. The violation of this later provision is made a misdemeanor. There are no specific provisions in the Federal statute dealing with public utilities as such, although title II provides for injunctions and arbitration in labor disputes which the President finds imperil the Nation's health and safety.

In addition to the Employment Peace Act the State statutes have other miscellaneous provisions relating to labor relations.

SECTIONS 103.46 AND 103.52. "YELLOW-DOG CONTRACTS"

Agreements between employer and employee to join, not to join, or remain a member of an organization or to withdraw from employment upon joining or remaining a member are void and unenforceable.

There is no specific provision in the Federal statute but such agreements would be unfair labor practices under section 8 (a) (1).

SECTION 133.05. ANTITRUST LAWS

Labor organizations and collective bargaining by producer associations in agriculture and by unions are exempted from the antitrust laws. There is no such provision in the Federal statute but exemptions appear in the antitrust statutes.

SECTION 103.43 (1A). STRIKES, ETC.

The section defines when a strike or lockout exists. There is no such provision in the Federal statute.

SECTIONS 103.535 AND 103.62 (3) AND 343.681. PICKETING

Picketing or interference with business is unlawful unless there is a labor dispute which is defined as in the Employment Peace Act. Such interference or compelling one to act against his will by two or more is a misdemeanor. There are no such provisions in the Federal statute. Related unfair labor practices are discussed under the Employment Peace Act.

SECTION 343.683. INTERFERENCE WITH EMPLOYMENT

It is a misdemeanor to prevent a person from engaging in lawful work except by peaceful persuasion during a strike or lockout. There is no such provision in the Federal statute but under some circumstances the act would be an unfair labor practice under sections 8 (a) (1) and 8 (b) (1).

SECTION 347.02. UNLAWFUL ASSEMBLY

Assemblage of three or more in violent manner to do or attempt to do an unlawful act is unlawful and if disturbance of others results, the acts constitute a riot. This police measure is not contained in the Federal statute.

SECTION 103.54. RESPONSIBILITY FOR AGENTS

Unions are not responsible for unlawful acts of officers or agents except upon proof of the act and the union's actual participation, authorization, or ratification after actual knowledge nor are officers or members liable for such acts except on similar proof.

The Federal statute in section 301 provides for suits against labor organizations and specifies that unions are bound by the acts of their agents and that for the purpose of that section agency is not to be determined by the question whether the acts were authorized or subsequently ratified. The section also provides that money judgments against a union may not be enforceable against a member.

SECTION 343.682. BLACKLISTING

Blacklisting is a misdemeanor. The act would be an unfair labor practice under section 8 (a) (1) of the Federal statute.

SECTION 348.472. STRIKEBREAKING

Use of armed guards for protection of property or suppression of strikes except where authorized is unlawful.

The acts would be an unfair labor practice under section 8 (a) (1) of the Federal statute under some circumstances.

SECTION 104.10. DISCRIMINATION FOR TESTIMONY

Discharge or discrimination or threats thereof for testimony relating to Women's and Minors' Minimum Wage Act is a misdemeanor.

Related unfair labor practices under the Federal statute are discussed under Employment Peace Act.

SECTIONS 348.22, 348.221, AND 6.047. POLITICAL ACTIVITIES

Influencing employees' votes by threats or promises and distribution of written matter containing the same are unlawful nor may an employer refuse to allow an employee to serve at the polls.

Employer may not require labor on primary election days and 3 hours' leave with pay must be allowed for elections or primary elections.

The Federal statute contains no such provision.

MEDIATION BY STATE AGENCY

The constitution provides that the legislature shall enact laws for the regulation of conciliation tribunals which shall have power to render judgments that are obligatory upon the parties when they voluntarily submit and agree in writing to abide by the judgment.

SECTION 101.10 (8)

Provides for appointment and regulation of arbitration boards by the industrial commission, a deputy of which shall be chief mediator.

Other provisions relating to labor relations appear under Employment Peace Act wherein applicable sections of the Federal statute are discussed.

SECTION 103.43. ADVERTISEMENTS

Advertisements for labor without stating the existence of a strike or lockout, if any, is unlawful. A strike or lock-out exists as long as do the usual concomitants or as long as unemployment continues or strike benefits are paid or picketing is maintained. The Federal statute contains no such provision.

Chapter II of the statutes of the State of Wisconsin, referred to in the preceding pages, incorporating sections 111.01 through 111.65, was enacted in 1939. The following sections were added or amended on the following dates:

111.02. Collective bargaining unit, amended, 1945.
111.02. All-union agreement, amended, 1945.
111.02. Jurisdictional strike, added, 1947.
111.05. Fourth paragraph providing run-off elections, added, 1947.
111.06. (1 (c), amended, 1943 and 1945.
111.06. (2) (e), amended, 1943.
111.06. (2) (k), added, 1947.
111.07. Amended, 1943.
111.13. Amended, 1943 and 1947.

The other sections of the statutes of the State of Wisconsin, referred to in the preceding pages, were enacted or amended on the following dates:

Section	Enacted	Amended
103.46	1929	
103.52	1935	
133.05	1921	1923.
103.43 (1A)	1925	
103.535	1939	
103.62 (3)	1931	1935 and 1939.
343.681	1887	
347.02	1878	
103.54	1931	1935.
343.682	1887	
348.472	1893	
104.10	1921	1923.
348.22	1913	
348.221	1911	
6.047	1945	
101.10 (8)	1931	
103.43	1911	1913, 1915, 1919.

ABRAHAM LINCOLN ON PROPERTY AND LABOR

Mr. MALONE. Mr. President, in closing, I wish to quote briefly from a statement made by Abraham Lincoln, but before I do that, I wish to say again that after listening to the 2 weeks' debate on the labor legislation, about the performance of the Wagner Act, and what has happened under the Taft-Hartley Act, it is my firm conviction that an entirely new approach is needed to the entire problem, so that in any State from Nevada to New York—Nevada being the smallest State in the Union and New York the largest—in their processes of development, whether they are predominantly industrial, predominantly mining, or predominantly agricultural.

I submit the legislature of the State, which represents every precinct and every county of the State, will know what to do in regulating labor-management disputes, and that if we do not insist upon taking charge of the problems the States will.

They will represent the public sentiment of the State, and that is what we are working with and that is what must ultimately settle such disputes.

I submit again that there never will be a permanent settlement of a labor dispute until public sentiment takes over.

As an illustration of that, I may say that I have worked in all kinds of employment in my youth, from the farm, mines, and to a boilermaker's helper on a railroad, and then finally a business of my own, employing as many as 150 to 200 men at a time.

I, however, do not remember anyone ever paying me what I thought I was worth during that early period, but I suppose that if my old employers could be found—and they were men who were pretty rough and tough in those days—they would say that they paid me twice as much as I was worth.

Mr. President, that illustrates the problem we will always have with us and it will never be permanently settled satisfactorily to both the employer and the employee. Of course, the Congress of the United States cannot and, of course, is not going to settle it.

It has been a little intriguing and a little puzzling to me to note that when someone is elected to the United States Senate, as I was elected, for example, and arrives in the Senate, we may have had a tough time running our own business, and understanding the affairs of the county and the State in which we live, but when we come here we know how to settle everything.

We can settle every question in the world to our complete satisfaction. It would have been like putting me in charge of a hospital, when I was in the engineering business. I could run it very handily, because I would not know any of the problems. Somebody said there is no one who can talk quite so convincingly on a subject as someone entirely unhampered by the facts.

Abraham Lincoln made this statement on March 21, 1864:

> Property is the fruit of labor; property is desirable; it is a postive good in the world; that some should be rich shows that others may become rich, and hence is just encouragement to industry and enterprise. Let not him who is houseless pull down the house of another, but let him work diligently and build one for himself, thus by example assuring that his own shall be safe from violence when built.

Mr. President, I submit that that is a very sensible expression. It was sensible when he said it, and it is sensible now, and it can be applied to the rights of labor and management. There is something else which has also puzzled me. We seem to continually deal with classes in this country. We deal with what we call labor, we deal with what we call management, and once in a while a stockholder is mentioned, but very seldom. The general public practically never comes into the picture, they are very generally ignored. I submit to this body that there are no classes of citizens in this country—a ditch digger today may be the manager or the president of the company tomorrow. And if we return in 10 or 15 years we may find him to be governor of his State.

We should not be talking about classes of people in our country. There are no classes. Where we make our mistake is in making such references. In Washington we are prone to conclude that everything is well with the country—we are living in air-conditioned rooms and are living very well. But, Mr. President, I have traveled 7,000 miles in the last 5 days and have been in 15 or 20 States during that time, and have had an opportunity to observe conditions in 3 or 4 of them. I say to the Members of the Senate that right at this moment in the United States of America 60 percent of our population is not getting along very well. They are having a tough time paying the taxes and keeping the children in school. There are 5,000,000 persons unemployed at this moment. Ten millions more are partially unemployed. Many who are unemployed are not saying anything, but the going is rough.

Therefore, Mr. President, I say, let us not deal in terms of classes. Let us keep this a country where one part is not set up against another part. Let us not make one class out of the workers and another out of management, rather let us all work together for the common good. Let us consider men in all walks of life as human beings. If I must work in a mine when I am 25 years old in order to be running an engineering business when I am 45 years old, give me that opportunity. All I should like to do is to retain that opportunity for the young people now coming out of school. But we have been dividing them. We divided them by the Wagner Act. We divided them further by the Taft-Hartley Act. We have divided them in such a manner that it is almost impossible to get them to sit down together—they are arrayed against each other.

If we were to see them sitting down together we would think they were violating some law passed by Congress.

I say, Mr. President, let us repeal these laws that set class against class. Let us get down to cases. Let us lay down a Federal principle that both the workers and management may organize for the purpose of bargaining. Let us retain the Conciliation Board, a nonpartisan or bipartisan board, whatever one wants to call it, with both parties represented on it, so it may hold hearings and develop public sentiment from the facts, from the States where the conditions are known to lay down the specific conditions under which the work and direction of the work must be done.

Let us allow the people of the States to run their own businesses and run them well without Federal Government interference.

REPORT OF A COMMITTEE

Mr. LUCAS. Mr. President, I ask unanimous consent that the Committee on Banking and Currency be permitted to report House bill 5240, to continue for a temporary period certain powers, authority, and discretion for the purpose of exercising, administering, and enforcing import controls with respect to fats and oils (including butter), and rice and rice products, during the recess of the Senate following today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL LABOR RELATIONS ACT OF 1949

The Senate resumed the consideration of the bill (S. 249) to diminish the causes

of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes.

Mr. TAFT. Mr. President, I am sorry to detain the Senate at this hour, but I want to remind the few Senators who are now present in the Senate Chamber that the temperature outside is still 90° and that they would probably be more comfortable sitting here in the Senate Chamber than if they were outside at this time.

Mr. President, I arise to say that, without weakening in any way the support of the amendment proposed by the Senator from New Jersey [Mr. SMITH], the Senator from Missouri [Mr. DONNELL] and myself, I intend to vote in favor of the Holland amendment proposed by the Senator from Florida [Mr. HOLLAND], the Senator from Ohio [Mr. BRICKER], the Senator from North Carolina [Mr. HOEY], and the Senator from Kansas [Mr. SCHOEPPEL].

This amendment proposes to strike out the provision of the Thomas bill giving the President only the right to call on both parties to continue working while his emergency board reports—a right which I think he probably has without statute—and insert substantially the provisions of the Taft-Hartley law relating to the injunction in strikes threatening the national safety or health. It differs from the amendment proposed by the Senator from New Jersey, the Senator from Missouri, and myself only by omitting the provisions for the additional power, under court order, to take possession of the plant which is struck and operate it in the name of the Government. While I think it is wise to grant this additional power of seizure properly circumscribed, the real question at issue in the debate of the last 3 weeks is whether we shall give the President the right of injunction against employer and labor unions to require the owner to continue operations and the union leaders to call off any strike or concerted work stoppage. This is the only power which can compel the continuance of an essential industry while the President makes a thorough investigation of the problem and attempts to work out a solution. While seizure may be helpful, we have several cases where strikes continued in national industries even after seizure, notably that of the mine workers when the Government was in possession, and in the case of the last railroad strike.

The argument against giving the President this power seems to be based on the theory that his use of it might make the unions angry and therefore less willing to settle. I think such a claim is wholly unrealistic. From the date of the injunction, we have the President and a special board adding their efforts to those of the Conciliation Service to bring the parties together and effect a reasonable solution. Remember also, this power can only be used when the employer and the unions are disregarding completely in their own selfish interest the safety and health of 145,000,000 people. One or the other of those parties may be entirely right, and one may be entirely wrong.

It is impossible for the people to know who is right until a full investigation has been made. All that the President will ask the unions and the employer to do is to go on working under the terms prevailing during the past year while the President and his board look into the matter, make a full report, and make every effort to settle the dispute. If the parties voluntarily accede, there will be no injunction. If they do not, should we not give the President some power of enforcement of the prohibition of the strike? I think an injunction in this case is peculiarly necessary. Remember that negotiations up to this point have been largely in secret and only the Mediation Service knows the issues between the parties. If the parties insist on a work stoppage without delay, I think it is an excellent thing that they should have to come before a court and be asked the reason why they are using the safety and health of 145,000,000 people as a weapon in their contest.

It is said that in some ways an injunction is an insult to labor. Remember this: Injunction runs against both parties and there is no real reason why it is any more a reflection on labor in the case they present, than it is on the employer in the case he may be presenting. It seems to me that this argument is the most obvious fallacy. The truth is, the labor leaders are opposed in this field, as they are in every other field, to being subjected to the rules of law and the application of justice which apply to every other citizen of the United States. Their real objection to the injunction is the same as their objection to all legal responsibility that they are insisting upon in connection with the other features of the Taft-Hartley law. They insist upon the special privilege and the exemption and the favored position which they enjoyed under the Wagner Act.

The injunction in this case is an entirely different action from that which was abused prior to the passage of the Norris-LaGuardia Act. In the first place it is not an intervention by the employer, but an intervention in the public interest, and only in the public interest.

In the second place, it does not bring the Federal courts into the regulation of every strike. It applies only to one labor controversy out of a thousand where the safety and health of the entire Nation is involved. Under those circumstances, we prohibit a strike or shut-down for 60 days, a very mild request to be made in the public interest. The injunction is merely an effective method, and so far as we know, the only effective method of enforcing that prohibition of a strike during those 60 days. The Thomas bill creates the obligation not to strike and says that both parties shall continue, but it provides no method whatever of enforcement. It would leave the President of the United States in a futile, ridiculous, and humiliating position if his requests are defied and he has no remedy except to call Congress together without himself yet fully advised as to the issues in the case.

In the third place, this type of injunction has proved its usefulness and done no harm whatever to labor, except where they have defied its provisions and the interest of the public. President Truman used the law in five or six cases when he could have pursued other methods. In fact, if he had thought that the industry could be kept going without an injunction, or a strike more easily achieved, it was obviously his duty not to use the injunction. The fact that he chose to do so is evidence that he thought it was the most useful weapon to accomplish his purpose. It did so. The work continued and the public was protected at least for a 60-day period, which in several cases, brought about a settlement. If this weapon or any other is useful in one case in a year, and if it is properly circumscribed to prevent the abuse of power, its creation is justified.

I think perhaps the most ridiculous argument which has been presented here is that presented by the administration Senators in their assertion that the President has this power of injunction anyway under some vague constitutional power.

The distinguished Senator from Oregon [Mr. MORSE] is opposed to the use of the injunction, and he is opposed to the existence of such power; and he is consistent in his opposition. But the Administration apparently is taking the position that we should not, under any circumstances, grant the right of injunction. Why? Because the President has it already. Mr. President, it seems to me that reduces the legislative process to an absurdity. The Attorney General asserts such a right under the Thomas bill. He says:

> Should, however, the parties not obey the mandate of section 302 (c) of the bill, and should this result in a national crisis, it is my belief that, in appropriate circumstances, the United States would have access to the court to protect the national health, safety and welfare. I say this because it is my belief that access to its own courts is always available to the United States, in the absence of a specific statutory bar depriving the Government of the right to seek the aid of the Federal courts in such critical situations. Particularly is this true where, as in the proposed legislation, a statutory obligation is placed upon the parties requiring them to continue or resume operations during a specified period. This bill, as I read it, does not purport to circumscribe the rights of the United States in this respect.

Mr. President, I wholly disagree with the Attorney General. I am unable to find anything in the Constitution which would give the President the power to obtain an injunction against a union calling a strike or an employer refusing to operate in peacetime. Personally, I do not think that any such legal power exists even in time of war. However, on that question there is certainly a very wide difference of opinion. Think of the danger of such a doctrine in time of peace. The President would have power to decide what is an emergency, and we have seen how easily those words are stretched to cover anything which inconveniences the Nation. If the President can obtain an injunction for one day, he can obtain it for a year and use it as a method of imposing compulsory arbitration. It is said that any President in a serious crisis would attempt to use the power and find a court to authorize it. That may be so, but that is a very different thing from saying that the power exists legally under the Constitution of the United States

available in the discretion of the President whenever he desires to use it. Lincoln, in time of war, went beyond his constitutional powers, but no President would dare to usurp power unless the emergency were so great that he could be certain that public opinion would later ratify his action.

Where does this power come from? If the President thought he had it, why did not he use it in 1946 in the railroad and coal strikes instead of coming to Congress and demanding the right to draft men into the Army? I am told that the Attorney General assured the Democratic leaders of the Seventy-ninth Congress that the President had no more power to act on those strikes without statutory action.

But even if the President did have such power, it should not be left unrestrained. Congress should carefully define and limit it, recognizing the power only so far as we consider absolutely necessary. Even those authorities who assert that such power exits appear to admit that if Congress deals with the subject, it can define and limit the power. Thus Attorney General Clark in his letter says:

> This bill, as I read it, does not purport to circumscribe the rights of the United States in this respect.

He recognizes elsewhere that if there were such an assumed constitutional power, it would be subject to limitation by Congress.

The language of the case of *In re Debs* (158 U. S. 564), implies that the President's power in that case arose from statutory enactments regarding interstate commerce and the postal service, and implies that it could be changed by changing those laws. Other men who have claimed this extraordinary power also admit the right of Congress to limit it. For example, when Mr. Garfield was Secretary of the Interior under Theodore Roosevelt, he made this plain. Full power under the Constitution was vested in the executive branch of the Government; and the extent to which that power may be exercised is governed wholly by the discretion of the Executive, unless any specific act has been prohibited either by the Constitution or by legislation. President Theodore Roosevelt was one of the great claimants for this power, but he himself said:

> I did not usurp power, but I did greatly broaden the use of Executive power. In other words, I acted for the common well-being of all our people whenever and in whatever measure was necessary, unless prevented by direct constitutional or legislative prohibition.

I disagree with President Theodore Roosevelt as to the extent of his powers, but even he recognized, without question, the right of Congress to delimit those powers. So if we pass a bill clearly defining the limits of this right of injunction, then it seems to me that definitely terminates any idea that the President can exercise any broader powers, even if such doctrine were ever upheld by the courts of the United States.

The amendment offered by the Senator from Florida [Mr. HOLLAND] and that offered by the Senator from New Jersey [Mr. SMITH], the Senator from Missouri [Mr. DONNELL], and myself, limit and define the President's power in national emergency strikes. Those who believe that such power exists, or who think it might exist, should be in favor of a careful definition of the power so that it may not be abused. These amendments both limit the power to a period of 60 days, whereas, under the constitutional doctrine, if no such limitation is made, apparently it may continue indefinitely.

This amendment limits its use to cases where the national safety or health is threatened. There can be no longer a vague reliance on the general welfare. The injunction can only be used to keep the status quo. It cannot be made conditional on an increase or a decrease of wages, or upon hours or working conditions, as it might be if it were an unlimited constitutional grant. If we think this power should exist at all, or if we think there is any chance that the power exists somewhere under the Constitution we ought to vote for one or both of these amendments.

There is another school of thought which says that if seizure is permitted it can always be followed by an injunction. With due respect to the claimants of that position, I think their authority is very doubtful. The United Mine Workers case did not find directly that there was any right of injunction on the part of the Government, except against its own employees working under a contract which had been made by the Government itself with those employees. The case was principally concerned in holding that under such circumstances, the Norris-LaGuardia Act did not apply to the Government. It is not at all certain that the Government would have the right of injunction if it seized an industry after a strike had occurred when there was no privity or contract whatever between the Government and the employees.

It is difficult to see how the Government, by taking over a plant from which the employees had already departed, could in any way claim that those men had become Government employees. Here, again, if the power exists at all, it should be clearly defined.

But how ridiculous is the position of the administration, which objects to spelling out this right clearly simply on the ground that it already exists. If it already exists, what possible objection can there be to spelling it out clearly? An injunction given by law is no more a reflection on labor than one granted by the Constitution, if there is any such grant.

Therefore, I shall vote to amend the Thomas bill by inserting the Holland amendment. If it is adopted, I shall press our own substitute, which would add a restricted seizure provision to the injunction of the Holland amendment. I believe that would be a better balanced provision, and would meet any reasonable objection of labor that an injunction alone in some way puts the Government on the employer's side against labor. I believe the President should have all available weapons properly guarded against abuse.

As for the Lucas amendment, it is not really a constructive proposal at all. It is an attempt to amend our substitute so that the Senate cannot vote on the double-barreled proposal of injunction and seizure. We shall have voted on seizure alone and on the injunction alone, and I believe the Senate is entitled to a vote on the two together as a balanced proposal. If the Lucas amendment were adopted, I would feel compelled to vote against our own amendment, because only seizure would remain. I consider that seizure by itself without the right of injunction is completely one-sided and ineffective. I therefore hope that the Senate will defeat the Lucas amendment and permit a vote on the Taft-Smith-Donnell substitute.

Tomorrow, in the limited time available, I shall speak at somewhat greater length on the Lucas amendment and on the Taft-Smith-Donnell substitute.

Mr. DONNELL. Mr. President, will the Senator yield for a question?

Mr. TAFT. I yield to the Senator from Missouri for a question.

Mr. DONNELL. I wish to ask the Senator this question: Even if it were to be conceded—I do not concede it, but even if it were to be conceded as a matter of argument—that the President possesses power to seek an injunction, that does not at all establish that the possession by him of that power confers on the court any jurisdiction to grant an injunction, does it?

Mr. TAFT. No; I assume that those who claim that the President possesses any such power contend that in some way jurisdiction is created in the courts out of thin air, through the existence of that power. I think the whole doctrine is very vaguely defined.

Mr. DONNELL. Is it not, in the opinion of the Senator from Ohio, entirely fallacious to say that the possession of that power by the President confers on the courts jurisdiction to grant an injunction?

Mr. TAFT. I should think it would be very doubtful. It would be necessary to find a new doctrine giving to Federal courts jurisdiction never granted by the Constitution or the statutes.

Mr. DONNELL. Mr. President, will the Senator yield for a further question?

Mr. TAFT. I yield.

Mr. DONNELL. The Thomas substitute distinctly keeps the Norris-LaGuardia Act in full force and effect, does it not, with one exception, I believe?

Mr. TAFT. Yes; it does.

Mr. DONNELL. But so far as this matter is concerned, the Norris-LaGuardia Act is left in full force and effect, is it not?

Mr. TAFT. Yes.

Mr. DONNELL. Does not the Norris-LaGuardia Act distinctly deny such jurisdiction to the court—because it provides that—

> SEC. 4. No court of the United States shall have jurisdiction to issue any restraining order or temporary or permanent injunction in any case involving or growing out of any labor dispute to prohibit any person or persons participating or interested in such dispute (as these terms are herein defined) from

doing, whether singly or in concert, any of the following acts:

(a) Ceasing or refusing to perform any work or to remain in any relation of employment.

The point to which I desire to have the Senator from Ohio address his attention is this, and I should like the Senator to comment on it: Suppose, as I say, we concede—which I do not, but suppose for the sake of argument, however, we do concede—the possession by the President of the power to protect and safeguard the interests of the public in case of great national emergency. If it be true, as I have indicated it may be, and as I think it is, that the possession by the President of such power would not confer injunctive power on the courts, and inasmuch as it is true that the Thomas substitute adopts the Norris-LaGuardia Act, and inasmuch as the Norris-LaGuardia Act deprives the courts of any jurisdiction in matters of this kind, does not it follow, therefore, that even if we concede, as a matter of argument, that the President possesses the power to try to safeguard the public interest in such cases, unless there is a statute thus conferring jurisdiction on the courts, the courts do not have any jurisdiction, because it is denied to them by the Norris-LaGuardia Act?

Mr. TAFT. I agree with the Senator from Missouri, and I go further. I have tried to point out that even those who claim that there is such a nondescript power on the part of the President admit that if the power is denied by statute, then the power no longer exists.

Mr. DONNELL. Yes.

Mr. TAFT. It is not a constitutional power which thrives on its own force. The claim is made that it exists because Congress has not dealt with that field. But if Congress limits that power, then that limitation is binding.

The Senator points out that in the case of the Norris-LaGuardia Act the Congress specifically denied the power of the courts to issue injunctions. So I point out that that power does not exist under the Thomas bill or Thomas substitute.

Mr. DONNELL. In other words, if the Senator from Ohio will further yield, if I may submit this query to him, does he agree with me that under the Thomas substitute, even if we assume for the sake of argument that the President possesses this power, inasmuch as the Thomas substitute reaffirms the Norris-LaGuardia Act, which takes such jurisdiction away from the courts, then it is possible to confer on the courts jurisdiction to issue an injunction at the behest of the President only by the passage of a statute conferring that jurisdiction, but the Thomas substitute does not confer such jurisdiction on the courts. Does the Senator from Ohio agree with that statement?

Mr. TAFT. I agree with the conclusion, Mr. President. I agree that if the Norris-LaGuardia Act refuses that jurisdiction, certainly that ends any power of jurisdiction.

Mr. DONNELL. I thank the Senator.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate a message from the President of the United Sates submitting sundry nominations, which was referred to the Committee on Labor and Public Welfare.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. McCARRAN, from the Committee on the Judiciary:

Clifton C. Carter, of Texas, to be United States marshal for the southern district of Texas vice M. Frank Hammond, retired; and

Benjamin J. McKinney, of Arizona, to be United States marshal for the district of Arizona.

RECESS

Mr. THOMAS of Utah. I move that the Senate stand in recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 35 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, June 28, 1949, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate June 27 (legislative day of June 2), 1949:

UNITED STATES PUBLIC HEALTH SERVICE

The following-named candidates for appointment and promotion in the Regular Corps of the Public Health Service:

To be senior surgeon (equivalent to the Army rank of lieutenant colonel), effective date of acceptance:

Paul W. Kabler

To be surgeons (equivalent to the Army rank of major), effective date of acceptance:

Wilton M. Fisher
Lawrence L. Swan
Thomas L. Shinnick

To be sanitary engineers (equivalent to the Army rank of major), effective date of acceptance:

Charles D. Yaffe
Glen J. Hopkins
Louis F. Warrick

To be scientist (equivalent to the Army rank of major), effective date of acceptance:

Robert E. Serfling

To be senior sanitarian (equivalent to the Army rank of lieutenant colonel), effective date of acceptance:

Glen M. Kohls

To be sanitarians (equivalent to the Army rank of major), effective date of acceptance:

Maurice E. Odoroff
Neil McKeever

To be nurse officers (equivalent to the Army rank of major), effective date of acceptance:

Eleanor C. Bailey
Avis Van Lew
Lorena J. Murray

To be senior dietitian (equivalent to the Army rank of lieutenant colonel), effective date of acceptance:

Margaret E. Perry

Junior assistant sanitary engineer to be assistant sanitary engineer (equivalent to the Army rank of first lieutenant):

Charles E. Sponagle

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 27, 1949

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou ever blessed God, we rejoice that our times are in Thine hands. Our lives are filled with strange questions and mysteries. We pray today that Thou wilt sweep away doubt and wonder, and make plain to us the uncertain and the obscure. If by omission or commission we have done aught that is contrary to the plan of life laid down for us, forgive us.

In all our works enable us to stand for those things that make for harmony and better living; let nothing be done through strife of vainglory, but in lowliness of mind let each esteem others better than themselves. O may we be servants among men, for where Thou dost lead, there is naught too great for us to perform. In the name of our Saviour. Amen.

The Journal of the proceedings of Friday, June 24, 1949, was read and approved.

EXTENSION OF REMARKS

Mr. PRICE asked and was given permission to extend his remarks in the RECORD in four instances and include in one the text of Archbishop Beran's pastoral letter read in Czech churches yesterday.

Mr. BOGGS of Louisiana asked and was given permission to extend his remarks in the RECORD and include extraneous material.

Mr. CELLER asked and was given permission to extend his remarks in the RECORD on two subjects.

Mr. BUCHANAN asked and was given permission to extend his remarks in the RECORD and include a telegram from the mayor of Syracuse, N. Y., on the housing bill.

Mr. LANE asked and was given permission to extend his remarks in the RECORD in two instances and include extraneous matter.

Mr. YATES asked and was given permission to extend his remarks in the RECORD and include an address by Marshall Field, publisher of the Chicago Sun-Times.

Mr. SIKES asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. SMITH of Ohio asked and was given permission to extend his remarks in the RECORD and include the text of a broadcast by Ambrose W. Benkert on The Railroads and America's Future.

PERMISSION TO ADDRESS THE HOUSE

Mr. KERR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an article.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

[Mr. KERR addressed the House. His remarks appear in the Appendix.]